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THE LOUISIANA
HISTORICAL QUARTERLY

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WILLING'S EXPEDITION DOWN THE MISSISSIPPI, 1778.

BY JOHN CAUGHEY
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IN FEBRUARY of 1778, James Willing, who styled himself "Captain in the service of the United Independent States of America," raided the Royalist settlements along the lower Mississippi. Regional histories sketch the general outline of this raid: Willing's departure from Fort Pitt, his sudden descent upon Natchez, a convocation of the settlers, their oath of neutrality, the seizure of certain Loyalists, plantations raided, slaves carried off, buildings burned, boats on the river captured, English refugees fleeing across the river into Spanish territory. Then the sequel: Willing welcomed into New Orleans, the plunder auctioned off, British protests to Governor Gálvez, his refusal to surrender Willing, the revival of Loyalism at Natchez, and the interruption of American traffic on the river. But in the absence of more detailed information about the expedition, it has been possible only to conjecture about some essential points, such as Willing's instructions from the Continental Congress, the terms upon which he guaranteed the Natchez people inviolability, the attitude of Gálvez toward Willing, Willing's relations with Pollock, and the effects of the raid.

The present paper, based on an investigation of the *Pollock Papers* and other documents at the Library of Congress, and a search for Willing materials in the Archivo General de Indias at Seville (studies made possible through a Native Sons of the Golden West fellowship from the University of California), attempts to solve some of the riddles and to contribute toward a better understanding of Willing's expedition.

There is not much to write of Willing before his expedition down the Mississippi. He belonged to a prominent Philadelphia

family, his elder brother being a partner of Robert Morris and a member of the first Continental Congress. Since 1774, he had resided at Natchez, doing a very indifferent business as a merchant, and frittering away his fortune in dissolute living.[1] apparently Willing, like Samuel Adams, Patrick Henry, and others of his contemporaries, was not a success in business. "Should Mr. Willing's out standing Debts come in by Next Aprill," reads a letter to one of his New Orleans creditors, "you may depend on a Remitance on that Gent's. Acct. of About three or four Thousand Dollars, but as I am Apprehensive there is little dependence on a great Amt. of his Debts to be Colected by that time would not advise to lay any great dependance."[2] Like Adams and Henry, furthermore, Willing was an agitator for the Revolution. As soon as news of the Revolution reached Natchez, he tried to stir up interest in the cause of the colonies, but without success.[3]

Willing returned to Pennsylvania in 1777, and early in the fall of that year he had several conferences with the Commerce Committee of the Continental Congress. Just what was said in those conferences is not known. It has been asserted that Willing drew a vivid picture of the probability of Loyalist activity in the Natchez district, warned the committee that the Mississippi would be closed to American boats and particularly to the shipment of war supplies north from New Orleans, and advocated an expedition to the lower Mississippi to enlist or compel the support of West Florida. Undoubtedly the committee had something of the sort in mind, although in July Congress had disapproved George Morgan's plan for an American attack on Pensacola and Mobile. The Commerce Committee decided to send a less pretentious expedition and commissioned Willing captain in the navy for the purpose.[4] Apparently the commission was granted without the general knowledge of Congress.[5]

Willing's instructions have since been lost and forgotten. They can be reconstructed, however, with fair accuracy from bits of indirect evidence. His letter of introduction to Hand, the commander of Fort Pitt, for example, states that he "is charged with some (Public) dispatches for New Orleans", and that "it is of great Importance that Mr. Willing get speedily down, and

[1] Thwaites and Kellogg, *Frontier Defense on the Upper Ohio*, 191n.
[2] Blommart to Pollock. January 29, 1775. Library of Congress, *Pollock Papers*.
[3] Martin, *A History of Louisiana*, II, 40.
[4] Burnett, *Letters of Members of the Continental Congress*, II, 421-423, 443-447. Claiborne, *Mississippi as a Province, Territory and State*, 115-116.
[5] Burnett, *op. cit.*, II, lv, III, 96.

that he has truly faithful People with him."[6] A letter of the same date to Oliver Pollock indicates that Willing was not only entrusted with certain despatches for New Orleans, but was also expected to bring up the Mississippi and Ohio part of the stores, which Spain had agreed to deliver at New Orleans for the use of the United States. "Mr. James Willing will return with these Boats and to him you may commit your Dispatches, also the superintending Care of the Goods."[7] The point is corroborated by a request Hand received from Willing before his departure from Fort Pitt.

> "As I expect to bring at least five boats from New Orleans laden with dry goods, and navigated by 20 or 25 men each, I request the favor of you to give the necessary orders for a sufficient quantity of flour & pork to be lodged for me by the beginning of April next at the Arkansas. Not less than 60 or 70 barrels of flour, of 250 to 350 lbs. each, & 20 or 30 bbls. of pork."[8]

From Willing's actions at Natchez, one would gather that he was expected to attempt to secure the neutrality of the people of West Florida. In addition he claimed, three years later, that he had "instructions to capture whatever british property he might meet with".[9] The claim is substantiated by several statements already in print. De Mézières reported that Willing had a commission "to expel the English whom he might meet"; Dunbar stated that there was authorization "to make capture of British property on the river"; and Rocheblave wrote from the Illinois country that the instructions had been to capture "whatever British property he might meet with on the river".[10] Because these statements are either *ex parte* or by men who probably did not have access to the actual instructions, it is only natural that historians, even when aware of them, have been inclined to discount their conclusiveness. Believing that Willing disregarded his instructions and resorted to force where he was expected to be peaceful, they denounce him as cruel, brutal, wanton, rapacious, more like an Indian than a civilized warrior.

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[6] *Ibid.*, II, 565.

[7] Commerce Committee to Pollock, November 21, 1777, Library of Congress, *Pollock Papers*.

[8] Thwaites and Kellogg, *op. cit.*, 198-199.

[9] Burnett, *op. cit.*, II, 565n.

[10] Bolton, *Athanase de Mézières and the Louisiana-Texas Frontier*, II 235, Journal of Sir William Dunbar in Claiborne, *op cit.*, 119-120. Rocheblave to Haldimand, July 4, 1778, in *Report of Canadian Archives, 1890*, State Papers, 106.

But in another letter of Willing's, hitherto unpublished, I find evidence that his orders were of the sort indicated. On May 30, 1778, he began a letter to Pollock in this fashion:

> "In the first place to Begin with my Instructions; the following Extracts will serve to specify their Tenour— After being ordered to make prize of all British property on the Mississippi River I was instructed to apply to the Governor of this Province for Liberty to make Sale of them. That obtained I am again instructed to pay one moiety of the Net proceeds into Your hands as agent for the Congress."[11]

Inasmuch as this reference to the order to seize British property is entirely incidental to a dispute over the disposition of the prizes, I see no reason to charge inaccuracy in the quoting of the instructions. This letter, together with the several statements quoted above, would seem to be acceptable evidence that Willing was instructed "to make prize of all British property on the Mississippi River." Whether this expression should be interpreted strictly to affect merely the property afloat on the river, or loosely to comprehend property along the shores as well, is another question. But certainly, Willing was expected to function not only in bearing despatches to New Orleans, in conveying supplies back north, and in soliciting the support, or at least the nuetrality, of West Florida, but also in laying violent hands on British property.

Armed with the instructions, whose general import has just been outlined, Willing proceeded to Fort Pitt. The armed boat *Rattletrap* was assigned to his command, and on January 10, 1778, with a volunteer crew of about thirty men, he set out. The Frenchman Rocheblave, commander for the English at Kaskaskia, was filled with consternation when he heard of the expedition, believing that Illinois was to be attacked. And on his way down the Ohio, Willing did seize the Becquet brothers and their peltries as well as Mr. La Chance and a cargo of brandy.[12] Rocheblave interpreted these seizures as an earnest of what might be expected should the Americans come to the Illinois in greater force. It may help to explain his distrust of Clark when the latter promised him honorable treatment. Or he may have guessed Willing's

[11] Willing to Pollock, May 30, 1778, Archivo General de Indias, *Papeles procedentes de la isla de Cuba, legajo* 2370. (Cited henceforth A. G. I., *Cuba*, 2370.)

[12] Thwaites and Kellogg, *op. cit.*, 302-303, 287-288.

aversion toward him, expressed later in a letter to George Rogers Clark. "I am well acquainted with the Kaskaskia Gentry. They are damn'd Rouges as well as their ancient Leader RocheBlave God send him a sight of Williamsburgh, Govr Henry won't be displeased to see one of these *Hair Buyers*."

Willing, at any rate, achieved enough notoriety along the Ohio that when Hamilton heard of Clark's capture of Kaskaskia he supposed the captors to be from Willing's flotilla assisted, perhaps, by the Spaniards.[14] But the objective was not Illinois. The *Rattletrap* drifted on down the Ohio and the Mississippi. Somewhere along the Ohio a message to George Morgan from Cruzat, commander for the Spanish at St. Louis, was intercepted and endorsed, "Recvd and Examined this 17 Jany 1778 J. Willing."[15] The next record of the expedition is from the Spanish post at the mouth of the Arkansas.

> "The Petition of Sundry American families arrived since the departure of James Willing Esq. Captain in the Army of the United States of America Shewith, that your Petitioners upon their arrival at the English side found the Place called Concord abandend and understand that Captain Willing left Orders that nobody should remain there: In consequence whereof as well as from the fear they have of being disturbed by Savages in the Royal Interest of Great Britain and also not chosing to go furthur down the River until certain Intelligence be had from below, Your Petitioners humbly request that you will take them under your Protection."[16]

On the 16th or 17th of February the expedition reached the plantation of Anthony Hutchins, a short distance above Natchez. Hutchins was made prisoner, his negroes and some other property seized. The expedition went on to Natchez, where the proceedings are best described in the words of the settlers.

> "On the afternoon of Friday, the 19th of this month, James Willing, Captain in the service of the Unted States of America, from which he arrived with a detachment of troops under his command, disembarked at Natchez, and early on the following morning sent orders to all parts for

[13] Willing to Clark, September 1, 1778, in James, *George Rogers Clark Papers, 1771-1781*, 67-68.

[14] Winsor, *The Westward Movement*, 139.

[15] Burnett, *op. cit.*, III, 144n. United States Continental Congress, *Journals*, X, 275.

[16] Petition of fourteen Americans. February 2, 1778. A. G. I., *Cuba*, 191.

> us to convene in order that at the same time that we should be made prisoners of war to the United States he might take possession in their name of this jurisdiction. The inhabitants, mindful of the unfortunate state of their very great remoteness from protection and fearful of the confiscation of their property, felt it necessary to go to the said Captain Willing to propose measures . . . and the inhabitants unanimously delegated four of their number to treat in their name for a capitulation, which should be formed in the best terms possible."[17]

The committee proposed the following:

> "That we will not in any fashion take arms against the United States of America, nor help to supply, nor give any assistance to the enemies of said States.
>
> That our persons, slaves and other property of whatever description shall be left secure, and without the least molestation during our neutrality."[18]

And on February 21, Willing signified his approval in these words:

> "Approved in full by me in the name of the United States of America (every public official of the crown of Great Britain who holds property in this District being excepted) and those who have held commission and signed the oath of neutrality contained in the preceding articles.
>
> The property of all British subjects who are not resident in this District is likewise excepted as belonging to enemies of the before mentioned States."[19]

Practically every account of Willing's expedition has it that the temptation to loot overrode his promise in this Natchez oath of neutrality, and that he embarked on a "career of confiscation and cruelty," ransacking homes in which he had been a guest, seizing slaves and other movable property, burning dwellings, and forcing most of the inhabitants to flee across the river to the "unfriendly but humane Louisianians." In the contemporary documents, however, I find no indication that anything of the sort was done to the people guaranteed protection in the Natchez oath *in the Natchez District.* The violence to Anthony Hutchins is the

[17] Capitulation at Natchez, February 21, 1778, Spanish translation in A. G. I., *Cuba*, 2351.
[18] *Ibid.*
[19] *Ibid.*

nearest approach to such a breach of faith. And contrary to the impression that most secondary accounts give, Hutchins was not molested after this oath of neutrality but before. He was not even comprehended in it. It is true that Willing allowed him to take a similar oath a few days later, and that Hutchins was disappointed that this action did not result in his property being restored to him, but it was not necessarily a breach of faith on Willing's part not to make the guarantee of protection retroactive. Perhaps the blot of breach of contract has been laid unjustly on Willing's escutcheon.[20]

However this may be, a few days later Willing committed the sort of depredations charged, but south of the Natchez district. At Manchac, on February 23, an advance party captured the *Rebecca*, "mounted with sixteen Guns, four pounders, beside Swivels,"which with the *Hinchenbrook* had been sent to "Scour the inland passage and frustrate the designs of the Rebels."[21] The Americans went on to seize other boats; they raided plantations along the Mississippi and likewise on Thompson's Creek and the Amite. Some of the settlers were even followed into Spanish territory and despoiled of their property there. Excesses and wanton destruction accompanied the seizures, but the plundering was not indiscriminate. Friends of the American cause were not molested, and there was some attempt at justice, as when "they divided the property at Castle's, taking one half for his partner's share, but leaving the other unhurt for himself."[22]

Willing's victims later became quite vociferous in complaining about his depredations to the Spanish governor. Of many reports of this plundering I insert just one paragraph telling of the seizure of a boat in which Stephen Shakespear was taking most of his movable belongings into Spanish sanctuary.

> "The Bateau being fastened Head and Stearn to the Spanish Shore, and we had laid ourselves down to rest, we were awakened by a sudden Noise, which we found to be occasioned by one Colbert (Calvert) and some armed Men under his Command on the Spanish Shore casting off the Ropes, who immediately ordered me down into the Cabin and not speak a word. I not immediately complying Calvert ordered one of the Men to Blow my Brains out, on which the Man presented his gun and said he would

[20] Hutchins to Gálvez, March 14, 1778, A. G. I., *Cuba*, 191.
[21] Historical Manuscripts Commission, *Report on American Manuscripts*, I, 213, 221.
[22] Private Journal of Sir William Dunbar, in Claiborne, *op. cit.*, 119.

blow hell through me, upon which I haveing obeyed they pushed off from Shore for New Orleans."[23]

From the laments of the despoiled one can piece together a lengthy and damning account of the American activities. Part of the evidence indicates the hatred of the settlers for Willing rather than proving his malevolence; for example, the report that Mary Blomart, having taken a dose of "Red Precipitate" prescribed by "François Dolony Surgeon to the Rebels commanded by Mr. James Willing," as she was dying "cried out with a most lamentable voice, Oh! *Willing! Willing! Willing!* and expired in excruciating pain."[24] But there is too much unanimity in the reports that the American shot hogs, killed cattle, broke bottled wine, burned dwellings, and in other ways laid waste and destroyed, for anyone to exonerate Willing entirely. Yet it should be remembered that these reports give a one-sided story; and a reputation is not often enhanced by the testimony of adversaries. Furthemore, the unfortunate settlers were prone to overlook the facts that the Natchez oath protected only the Natchez district and that Willing had been instructed to make prizes.[25]

Consternation spread among the Loyalists of West Florida because of the depredations at Manchac. With a certain diabolical astuteness the American captain fostered the impression that a large army was advancing on the colony. Instead of the thirty men who had started out on the *Rattletrap*, instead of the hundred or more to which his force had been augmented by the enlistment of plunder-seeking adventurers, the West Floridians estimated the American force at five or even eight thousand. Willing represented that he commanded only the advance guard, and that General Clark followed with the main army. He overawed opposition by advancing in front of Spanish batteaux coming peaceably down the river. Recognition, if not approbation, is due this skill in allaying opposition. In addition he was an able orator. At the mouth of the Big Black more than one hundred settlers listened to his "seventh of March speech." "Willing was

[23] Frederick Spell, Affidavit at New Orleans, July 25, 1778, A. G. I., *Cuba*, 191. Stephen Shakespear to Gálvez, March 12, 1778, *ibid.* Stephen Shakespear, Affidavit at Pensacola, May 6, 1778, A. G. I., *Cuba*, 2370.

[24] Francis Farrell, M. D., Affidavit at Natchez, June 20, 1778, A. G. I., *Cuba*, 191

[25] Most accounts of Willing's expedition have been based on evidence provided by his victims, e. g., the Journal of Sir William Dunbar, in Claiborne, *op. cit.*, 119-121. The present paper utilizes much additional material of the same sort, contained in petitions to Governor Gálvez, in the Archivo General de Indias, *Cuba*, 191, 2351, 2370 and other *legajos*; but it also uses documents in the same repository from American and Spanish pens.

a good speaker," one of them reported, "and he represented the cause of the colonies, and the certainty of their ultimate success, in very persuasive terms." Exaggeration of Willing's strength, uncertainty about the loyalism of their neighbors, apprehension of Indian attacks, and the intimidation of Willing's plundering and speaking militated against any organized resistance by the West Floridians.[26]

Along the lower Mississippi, volunteers from New Orleans cooperated with Willing's men in plundering the British. Oliver Pollock led in the organization of these supplementary forces and laid some of the plans for American operations, as for example in the seizure of the *Rebecca*. His nephew, Thomas Pollock, was sent upstream with fifteen men for this purpose, and although Willing's lieutenant McIntyre had already accomplished the capture, the New Orleans detachment participated in some of the other depredations.[27] Under Captain Lafitte another group of twenty-six boatmen was enlisted at New Orleans, ostensibly with the purpose of going to Manchac to bring down endangered British property. Instead of proceeding to this work, however, they floated down the river by night and joined two canoes manned by a slightly larger group of Americans. Continuing downstream they came to the English brig, the *Neptune*. The Americans tried to persuade the New Orleans boatmen to join in an attack on the ship. Two of the boatmen, disapproving of the project into which they had been drawn unsuspectingly, "went on shore and left the party," but the others joined the Americans in boarding and seizing the *Neptune*. Four passengers were put off in a boat manned by sixteen or seventeen French and Spanish boatmen, who, according to their description, were "armed with Cutlasses and wore either Cockades or Deer Tails in their Hats."[28] Another British ship managed to make its escape, but the *Despatch* fell a victim near the mouth of the Mississippi to the Americans under Calvert. The captain of the *Despatch* disappeared and its owner was inclined to suspect foul work on the part of Calvert and his Americans.[29]

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[26] Journal of Captain Phelps, in Claiborne, *op. cit.*, 118. McCarty to Askin, June 7, 1778, in Alvord, *Kaskaskia Records*, 45.

[27] Pollock to the President of Congress, September 18, 1782, Library of Congress, *Papers of the Continental Congress*, vol. 50.

[28] Peter Sellier, Affidavit at Pensacola, May 4, 1778, A. G. I., *Cuba*, 191.

[29] Benjamin Hodgdon, Affidavit at Pensacola, May 3, 1778, A. G. I., *Cuba*, 191. David Ross and Company to Gálvez, April 11, 1778, with supporting statements by Pierre Demoriulle, April 13, by Guillaume Terbonne, April 13, and by La Martiniere, April 15, A. G. I., *Cuba*, 2370.

Reports of Willing's depredations circulated rapidly throughout West Florida, and the uncertainty and uneasiness which had prevented any armed resistance to the Americans prompted an emigration to the haven of Spanish Louisiana. Houses were locked up; negroes, cattle, and valuables were hustled across the river, or hastily put on skiffs and barges and started for New Orleans. Carlos Grandpré and Juan de Villabeuve, the first Spanish officials encountered by these refugees, granted them a provisional welcome and wrote to the governor for further instructions. Gálvez confirmed their hospitality, and issued a proclamation affirming Spain's "perfect neutrality" in the struggle between England and her colonies, and conceding "without distinction to the one or to the other the sacred right of hospitality whenever the necessity to claim it should arise."[30]

No exact enumeration exists of the West Floridians who availed themselves of the refuge offered by the governor of Louisiana. Some took the trouble to give written expression of their appreciation. Henry Stuart, who had escaped "in his Shirt," wrote to Gálvez, "It is impossible that I can ever forget the humane and generous treatment I have met with."[31] Another refugee wrote, "It is our duty to proclaim to all the world... the Beneficient part which you have so generously and Seasonably taken."[32] Thirty six others attached their names or marks to a letter expressing "very gratefull thanks for the Succor you have had the goodness to afford us."[33] Judging from these letters, appreciation of Gálvez' kindness seems to have been warm and sincere. And if we may infer that the percent of expressed gratitude was not much greater than when Jesus healed the lepers, the movement across the river looms as an important migration. Some of the refugees, furthermore, made the move permanent. Permission to stay and plant crops was granted tentatively by Governor Gálvez, and the Spanish court later confirmed the permission.[34]

A comparable welcome was extended to the American party. This cordiality was due in part to the chronic dislike of the Loui-

[30] Gálvez, Proclamation, March 3, 1778, A. G. I., *Audiencia de Santo Domingo*, 2596. Gálvez to Grandpré, March 1 and 20, 1778, Bancroft Library, *Louisiana Collection*.

[31] Stuart to Gálvez, March 8, 1778, copy in A. G. I., *Audiencia de Santo Domingo*, 2596.

[32] Harry Alexander to Gálvez, March 15, 1778, copy in *ibid.*

[33] J. Blommart and thirty-five British refugees to Gálvez, no date, *ibid.*

[34] Bernardo de Gálvez to José de Gálvez, April 12, 1778, A. G. I., *Audiencia de Santo Domingo*, 2596. José de Gálvez to Bernardo de Gálvez, July 24, 1778, A. G. I., *Cuba*, 174.

sianians for the British, a dislike which had been aggravated recently by British interference with Louisiana shipping.[35] It was due also to Oliver Pollock. An Irishman, and formerly a Pennsylvanian, Pollock had been led by business interests to the Spanish West Indies and then to Louisiana. Pollock enjoyed the friendship of Governor O'Reilly as a fellow Irishman and cemented this attachment by an act of generosity when he turned over to the governor a shipload of flour at a time of great scarcity. With Governors Unzaga and Gálvez the intimacy had continued. Largely because of this personal connection the state of Virginia named Pollock her agent at New Orleans, and the Continental Congress commissioned him in a letter brought by Willing. Pollock's services to the United States would prove a fascinating study. They are not entirely germaine to the present paper, but for the six months following Willing's arrival the stories of Pollock's work and Willing's actitvities merge.[36]

Even before Willing reached New Orleans, Pollock prepared for his coming. "In February 1778," to quote his own account, "I receiv'd intelligence of Capt Willing's approach, and immediately I waited on his Excellency the Governor & took every necessary arrangement with him."[37] Pollock persuaded Governor Gálvez to extend the Americans the freedom of the city. A public building was assigned to them for a barrack, and Pollock was permitted to auction off their plunder, consisting mostly of negro slaves. Although Spanish law forbade commerce with foreigners, Gálvez justified his actions as follows:

> "By this policy I hope to secure great advantages for the King and for this Province: to the first because all the things such as indigo, peltries, etc., which they have salvaged and introduced into our territories are not brought in without my license and consequently not without paying the regular duties; and to the second because the captured negroes, as well as those who have been brought for safekeeping into our domain whose owners are planning to return to Europe, will be purchased by these inhabitants at less than half their value."[38]

[35] Caughey, "The Panis Mission to Pensacola, 1778," in the *Hispanic American Historical Review*, X, 480.

[36] There is much material on Pollock's career in the Spanish archives as well as in the *Pollock Papers* in the Library of Congress. See also: "Deposition of Oliver Pollock, June 8, 1808," in Wilkinson, *Memoirs of My Own Times*, II, Appendix I; Gayarré, *History of Louisiana*, III, *passim*; James, "Oliver Pollock, Financier of the Revolution in the West," in the *Mississippi Historical Review*, XVI, 67-80.

[37] Pollock to the President of Congress, September 18, 1782, Library of Congress, *Papers of the Continental Congress*, vol. 50.

[38] Bernardo de Gálvez to José de Gálvez, March 11, 1778, A. G. I., *Audiencia de Santo Domingo*, 2596.

In the absence of documentary evidence to fix the amount secured from these sales, estimates of the plunder have varied considerably, ranging from $15,000 to $1,500,000.[39] Pollock's figures ought to be the most reliable. On April 1, he reported that Willing had got 100 slaves worth 140 pesos each, and that the net proceeds from these and the other plunder amounted to $25,000; and on July 6, he reported $37,500 in addition to the *Rebecca*, which had been armed as a war vessel instead of sold.[40] Nor did this total include the several prizes which Gálvez ordered returned to the British. Obviousy the damage done was much greater than the rather meager profits secured. Considering the difference between the sale price and the actual value of the slaves and other prizes, and adding the value of the buildings burned, the livestock killed, the crops destroyed, the wine spilled, the household goods ruined, the shipping disturbed, and the agricultural activity interrupted, one comes to a surprisingly high figure and to the conclusion that the pillaging was done on a grand scale.

Although the British had been most appreciative of the favors received from Gálvez, they entered strenuous protests against the welcome accorded Willing and especially against the disposal of the plunder in New Orleans. By March 15, at least fifteen petitions had been sent to Gálvez, and more were to follow. These petitions recited in detail the damage done by Willing and claimed that the Americans had seized British property even after it had been taken into Spanish territory for safekeeping, that they had violated Spanish sovereignty by making off with boats moored to the Spanish shore, and that they had captured other ships farther downstream where the river was entirely Spanish. Since Willing and the protested plunder were at New Orleans, the injured Loyalists petitioned Gálvez to see to it that appropriate restitution was made.[41] To consider these cases the governor appointed a commission of three, which eventually decided that the claims against the Americans were just.[42]

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[39] James, "Spanish Influence in the West during the American Revolution," in the *Mississippi Valley Historical Review*, IV, 205. Alvord, *Kaskaskia Records*, 45. Winsor, *The Westward Movement*, 156.

[40] Pollock to Continental Congress, April 1 and July 6, 1778, Library of Congress, *Papers of the Continental Congress*, vol. 50.

[41] Fifteen such petitions, dated March 7 to 15, 1778, are to be found in A. G. I., *Cuba*, 191.

[42] "Diario general de todas las ocurrencias, y noticias que con motivo de la vajada de los Americanos por el Rio Misisipy han sobrevenido en la Provincia de la Luissiana," (1778), A. G. I., *Cuba*, 2351. Pollock to Gálvez, July 10, 1778, A. G. I., *Cuba*, 2370.

These petitions caused Gálvez some concern but no serious alarms until the *Sylph*, a British naval vessel commanded by John Fergusson, arrived in the Mississippi. On March 14, Fergusson took up the cause of Willing's victims and wrote vigorously to Governor Gálvez in their behalf. Gálvez replied with equal vehemence, and the correspondence continued, sometimes technical, sometimes acrimonious, sometimes delving deep into the mazes of international law, frequently trivial, but always spirited. In the course of this disputing Gálvez found it advisable to address certain messages to Willing and Pollock, who replied at length, and thus a full airing of the whole matter resulted, not only of what had been done by the Americans and the Spaniards and the British, but also of the justification which each faction saw for its actions.

The points at issue were really those raised by Willing's victims in their petitions to Gálvez, and related to the legality of the American captures of boats tied to the Spanish bank of the Mississippi above Manchac, of boats south of Manchac where both banks were Spanish, and of property which had been carried over into Spanish territory. The British questioned also the propriety of Gálvez' conduct in admitting Willing to New Orleans, in allowing him so much freedom there, and in permitting the sale of the plunder. In restating these points Fergusson added some new arguments. He quoted Gálvez' letter of the preceding year to Captain Lloyd of the *Atlanta*, in which Gálvez had claimed that the Mississippi was not a proper theater for hostilities. At that time Gálvez would not allow the British to seize American ships on the Lower Mississippi; now he had permitted the reverse.[43]

In the course of the correspondence certain minutiae were very much magnified and assumed the proportions of major issues. From a study of the letters one might get the impression that Gálvez seized with avidity upon some of these incidentals for the purpose of prolonging the discussions and delaying a settlement. Certainly it was to his interest to maintain the *status quo* and to postpone the termination of negotiations. But Fergusson made the first descent to trivialities, and throughout the controversy was most assiduous in dwelling on points extraneous to the main issues, but which might serve to embarrass his cor-

[43] Fergusson to Gálvez, March 15, 1778, A. G. I., *Cuba*, 191.

respondent. There is the temptation in a debate, of course, to concede no point that may possibly favor the opponent, and furthermore, a contestant is apt to be infected with an enthusiasm which carries his quibbling to unjustified and uncontemplated lengths. Such was the result for Gálvez and Ferguson. Their sound arguments on the merits of the case were enlivened by spirited paragraphs on a variety of non-essentials.

Fergusson's letter of greeting to the Spanish governor included a complaint against McIntyre, one of Willing's lieutenants, "who placed himself opposite to His Majesty's Ship under my command and made use of several threats and provoking speeches." The Britsh officer asked prompt satisfaction "to prevent the fatal consequences that may attend your giving more countenance to a lawless Banditti, than you seem to do to His Britannic Majesty's Servants and liege Subjects."[44]

Gálvez' reply was not exactly soothing:

> "The complaint which you have made to me against the American officer is just, though it would be much more just, if the simple cry which he made to the frigate had not been answered with hard and offensive words, which provided a motive for his reply. In consequence of knowing this I will make said officer apologize to me for having made threats in the territory of His Catholic Majesty as well as for his impudence to you, and for this purpose, I hope that you will see fit to send an officer of your frigate, so that in my presence the American can make adequate reparation, and the officer can convey it to you for your satisfaction and that of His British Majesty's flag."[45]

Later, when Ferguson declined to send an officer to receive this apology, and demanded that McIntyre be surrendered for appropriate punishment, Gálvez declined on the ground that the offense was primarily against himself and the Spanish flag. For this violation of Spanish hospitality "complete satisfaction" in the form of an apology was exacted. Then Gálvez went on to draw an interesting distinction between an insult which was merely verbal and an affront which involved actual damage. The distinction is perhaps not usually recognized where libel or slander are concerned, but the governor made the most of it in this instance.

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[44] Fergusson to Gálvez, March 14, 1778, *ibid.*
[45] Gálvez to Fergusson, March 15, 1778, certified copy in A. G. I., *Cuba*, 1232.

> "You surely are ready to admit that the insult was by word, and by words only the satisfaction must be given; if it had been by act, the satisfaction would have been with his person. This is justice, and any other pretension is useless."[46]

Not content with having frustrated the British attempt to bring McIntyre to punishment for his vocal outburst, Gálvez embraced the opportunity to ruffle Fergusson's feelings still further. Knowing full well that national pride would not permit acceptance, he offered to send on board the frigate a Spanish flag and a corporal's guard (at Fergusson's expense) to insure the British against any possible molestation from the Americans in New Orleans. The reply was the inevitable one—Fergusson felt able to protect himself and his vessel without the assistance of the seven grenadiers. Whereupon Gálvez protested that he had not intended to provide a force capable of defending the frigate, which he knew to be well-manned, nor even to reënforce it, but that he had hoped to prevent a conflict through the presence of a flag "which the Americans respect." Without the protection of the Spanish flag there was real danger of attack, he asserted, "since the Americans allege that having suffered captures on the river, on the same river they have the right to make reprisals."[47]

In the same letter Gálvez reminded the British captain that he had neglected to salute the Spanish flag in the customary manner, and requested that he should not refer to any person under the protection of the Spanish government as a "Rebel." Fergusson explained his inability to salute the Spanish flag

> "whilst there is a Flag—displayed under your Guns, which is not acknowledged by Great Britain, and ought not to be by any Power upon Earth, and particularly by Nations that are possessed of Colonies, who should be cautious of setting a pernicious example in abetting, favoring or assisting by any means, directly or indirectly, such Subjects united in direct and open rebellion."[48]

Not all of the correspondence dealt with matters of punctilio, however. There was some careful reasoning on the propriety of

[46] Gálvez to Fergusson, March 20, 1778, certified copy in *ibid.*
[47] Gálvez to Fergusson, March 14, 15, 18, and 20, 1778, certified copies in *ibid.* Fergusson to Gálvez, March 15, 1778, A. G. I., *Cuba*, 191.
[48] Fergusson to Gálvez, March 15, 1778, *ibid.*

Gálvez' recent actions, on the legality of Willing's plundering, and on his status in New Orleans. Gálvez expressed his inability to understand why Fergusson accused him of "a declaration of war, a violation of the treaties of peace, the law of nations, and the rights of mankind," since his action in admitting to Spanish Louisiana both the English (the refugees) and the Americans (the expeditionary force under Willing) was in accord with the practice in Europe. Asserting his desire to preserve an "exact neutrality," Gálvez warned that if the slightest hostility were committed on the Mississippi below Manchac toward Spanish subjects or toward any of the individuals under the king's protection he would consider himself obligated to suppress it with force. The wording of this sentence is such that it appears to have been intended as a caution to Fergusson not to attempt any stroke of violence against Willing or his men while they were under the protection of Gálvez. Gálvez later claimed credit for rattling the saber to shield the Americans.[49]

Fergusson, however, put a different interpretation upon Gálvez' statement, treating it as an acknowledgement that the captures, which the Americans had made in the portion of the river mentioned, were improper. The governor's approval of these seizures, as expressed in the permission Willing and Pollock had received to bring such plunder into New Orleans and to dispose of it there, he branded inconsistent, not only with the sentiments expressed in Gálvez' last letter, but also with the stand Gálvez had taken the preceding spring. He referred to the letter to Captain Lloyd, May 12, 1777, in which Gálvez claimed that the Mississippi was not a proper theatre for hostilities between the British and Americans and would not allow Lloyd to seize American ships. Now, Fergusson contended, Gálvez had allowed Willing to do the reverse. He asked, therefore, that Gálvez order the restitution of all property captured on the Mississippi.[50]

On March 18, Gálvez replied that his earlier correspondence with Lloyd was being misinterpreted, that it had referred only to the lower Mississippi where both banks were Spanish, and if he had written "en todo el Río" the reference was clearly to that part of it. As to the river above Manchac, he maintained that the Spanish-English boundary was explicitly defined by treaty as "in the middle of the Mississippi," and asked if the English wanted

[49] Gálvez to Fergusson, March 15, 1778, certified copy in A. G. I., *Cuba*, 1232. Gálvez to Gardoqui, Havana, April 28, 1785, A. G. I., *Audiencia de Santo Domingo*, 1243.

[50] Fergusson to Gálvez, March 15, 1778, A. G. I., *Cuba*, 191.

to cede all of the river to Spain. The argument continued, correctly, it would seem, that since the Spanish and British shared control of the river above Manchac, the Spanish could not be expected to prevent hostilities there. For the part of the river below Manchac, however, Gálvez agreed that no violence was permissible either by the British or Americans. And to prove his sincerity he pointed out that even before receiving Fergusson's demands, he had begun to put this into effect. "There are already various subjects of His British Majesty, who by virtue of the Spanish protection have recovered their captured effects and the liberty of their persons, but at the same time there are others for whom that protection is helpless, though they were seized on the Mississippi," because they were upstream where Spanish control was not absolute.[51]

Having found Gálvez ready to agree that the lower Mississippi was not the proper theater for English-American hostilities (the Pensacola prize court to the contrary notwithstanding), Fergusson received Gálvez' word that Willing would be required to surrender the British effects seized there, as well as such other property as had come under Spanish protection prior to its capture. With this much accomplished Fergusson was less concerned about the propriety or impropriety of Gálvez harboring Willing and his men. That question might be referred to the European courts. He addressed a proclamation "to all His Britannic Majesty's Loyal Subjects in the Province of Louisiana & Town of New Orleans," announcing Gálvez' promise to restore all property the Rebels had seized between Manchac and Balize. But since the Rebels were receiving Spanish protection and had a guard-house in New Orleans, he urged all loyal Britishers to leave Louisiana and put themselves under his protection. "Should you reject this offer," he concluded, though, "and blindly confide in the protection of the Enemies of your Country, you must take upon yourselves the consequences." Then, about April 10, having taken precautions to make sure there were no slaves aboard the *Sylph* who really belonged to the Americans, he sailed for Pensacola.[52]

Gálvez' decision, that much of the captured property ought to be returned, obviously affected the American party. Correspondence with Willing about its restoration began, therefore, at

[51] Gálvez to Fergusson, March 18, 1778, certified copy in A. G. I., *Cuba*, 1232.
[52] Fergusson, Proclamation, March 23, 1778, A. G. I., *Cuba*, 112, Fergusson to Gálvez, April 3, 1778, A. G. I., *Cuba*, 191. "Diario general . . .", A. G. I., *Cuba*, 2351.

about the time of the arrival of the *Sylph*. The American commander was not inclined to submit without argument. In the case of a few minor items, such as a single slave belonging to George Ross, he acceded to Gálvez' order promptly and without contest, but whenever a major item was involved he protested at length. Some of his justifications seem to have had validity. He upheld, for example, the capture of Campbell's vessel, the *Neptune*, which was "laden with articles absolutely necessary for the Enemies of the States." She was made prize nine leagues below New Orleans on her way to the West Indies. Not the least alarm was occasioned any Spanish subject. She was afloat on the Mississippi, the navigation whereof was equally free to British and Spanish, and consequently, Willing contended, she was not in a Spanish port or under Spanish protection. He cited the judgment of the Court of Vice Admirality at Pensacola in the case of the American vessels taken in the Mississippi that "Captures so made came under the Denomination, as that of prizes made on the High Seas," and claimed the *Neptune*, therefore, as a "Lawful Prize." As a compromise he suggested that the vessel and cargo be sold and the proceeds sequestered in Gálvez' treasury until Congress and the Court of Spain could reach a decision.[53]

Willing laid claim to Stephen Shakespear's batteau in similar fashion. It had been captured first in British territory, then was "Stolen off in the night by Mr. Shakespear contrary to his Faith pledged," and recaptured on float in the Mississippi, "tho' fastened to a Log of Wood near the (Spanish) Shore." Shakespear told a different story, though he admitted he had not yet received formal protection from a Spanish official at the time of the capture, and Gálvez decided in his favor.[54]

As to Rapicaut's boats, they were taken above Spanish Aux Arcs (Ozarks), one on the river, the other "Boarded the Instant she touched the land on the Spanish side of the Mississippi." They were engaged in illicit trade with Fort Vincennes, "supplyed the Enemies of the States of America," and had "neither Passport, Permission nor Protection." Willing presumed to hope, from any officer of the Court of Spain. He argued that the seizure of Rapicaut's boats, therefore, was "consonant, to the Universal Custom of all Civilized Nations."[55]

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[53] Willing to Gálvez, March 18, 1778, A. G. I., *Cuba*, 191.

[54] *Ibid.* Shakespear to Gálvez, March 12, 1778, *ibid.*

[55] Willing to Gálvez, March 24, 1778, A. G. I., *Cuba*, 2370. John Mucklemurry. Affidavit at New Orleans, March 18, 1778, A. G. I., *Cuba*, 191.

Gálvez reiterated his order for the surrender of Campbell's, Shakespear's, and Rapicaut's boats and cargoes, appending a lengthy justification of his stand. Still unconvinced, Willing replied:

> "The prizes in Question are now in your Power and under your Authority; But I apprehend I cannot be answerable to My Masters the Honorable Congress for the Restitution of these Prizes if your Excellency does not think proper to give me a positive Order in writing for so doing."[56]

But Gálvez was inflexible. These captures must be returned and he added that he would give the same reply if the whole United States navy were on hand.[57]

Other captures disapproved by the Spanish governor were foregone by the Americans, and on May 1, Gálvez could summarize to Governor Chester his decisions in favor of the British as follows:

> "You will see that I have not only reclaimed and turned over to her masters the brig the *Neptune*, seized on the Spanish bank, but also your negroes, likewise those of Livingston and Bay, the property of Priest, that of Shakespear, the negroes of Poussette and Marshall, the property of Rapicaut, that of William Eason and Archibald Crawford, and finally the schooner and negroes belonging to Mr. Ross .... You understand that I can not be responsible for what has been seized between Natchez and Manchac."[58]

The relief which Gálvez felt over Fergusson's departure was only temporary. Early in April, the *Hound*, under Captain Joseph Nunn, arrived before New Orleans and was joined soon by another frigate. Gálvez had taken steps to improve the defenses of New Orleans. A battery of eight cannon had been set up and the *Rebecca*, the American prize ship, was before the town armed and ready to assist in its defense. Nevertheless, we must conclude that when Gálvez wrote to his uncle, "I hope to find myself able to resist any insult which these English war vessels may intend to offer," he was not so much reporting progress in strengthening New Orleans as whistling in the dark.[59]

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[56] Willing to Gálvez, April 5, 1778, A. G. I., *Cuba*, 2370.
[57] Gálvez to Willing, April 6, 1778, copy in A. G. I., *Cuba*, 191.
[58] Willing to Gálvez, March 31, 1778, *ibid.* Gálvez to Chester, May 1, 1778, draft in *ibid.*
[59] Bernardo de Gálvez to José de Gálvez, April 12, 1778, A. G. I., *Audiencia de Santo Domingo*, 2596. "Diario general . . .", A. G. I., *Cuba*, 2351.

Although maintaining a bold front toward both the British and the Americans, Gálvez realized his predicament. On May 5, he represented to the Continental Congress that he was in a "critical situation with his neighbors in consequence of the protection and favors shown by him to Captain Willing and his Party."[60] The insinuations of Willing, the presence of the British frigates, the attitude of Capitan Nunn, and the inadequacy of his own military defenses caused him concern. Rumor had it that a British vessel of thirty-two guns was about to enter the Mississippi, and that two others were anticipated.

> "These frigates can have no other objective than this town," Gálvez reflected, "because they do not need to come up or do anything at Manchac, Natchez, or the other English establishments, because there is no one at these places. He who commands these frigates is said to be a brutal man, capable of committing any atrocity without disturbing himself about the consequences. His intention apparently is to ask me to give up the prizes of the Americans and their persons, especially the commander and officers of the party, and if I do not comply, to open fire on the city and destroy it."

This letter continued with a statement of his intention to utilize all his forces if necessary to protect the Americans and their legitimate prizes. But it emphasized the inadequacy of the forces at his command, requested reënforcements "con prontitud," and stressed the fact that New Orleans was not only open to attack, but also "the only frontier which Spain has with the English." New Orleans would be more secure, Gálvez suggested, if war were declared, because then the English ships could be stopped at the Balize.[61]

The presence in and around New Orleans of so many armed foreigners contributed to Gálvez' uneasiness. And so, on April 14, he supplemented his plea for more troops by requiring that every British subject in New Orleans should take an oath of neutrality or depart from the province. Captain Nunn protested strenuously, and eight or ten of the English chose to depart rather than take the oath, but the majority complied.

> "I have read with astonishment your ordinance of this day's date," Nunn wrote, "requiring from His Britannic

[60] Burnett, *op. cit.*, III, 494n.

[61] Gálvez to Diego Joseph Navarro, April 14, 1778, A. G. I., *Cuba*, 1232. Gálvez to Navarro, April 21, 1778, *ibid.*

> Majesty's Subjects, an oath comprehending allegiance and neutrality, as well as a parole of honor to the Spanish Crown. I cannot conceive what could induce your Excellency to take such measures with the Subjects of a Prince in amity with His Catholic Majesty. If you have permitted British Merchants to carry on commerce in your Province you certainly ought to protect them, and if you have given Asylum to such of his Britannic Majesty's Loyal Subjects, as have been driven from their habitations by the Enemies of their King and Country, you have only acted conformable to the Law of Nations, and what every civilized people would think themselves bound to do, on such an occasion . . . ."[62]

On the 17th a similar oath was administered to the Americans, who accepted it unanimously.[63] Gálvez may have achieved greater security through these oaths, though there is some doubt as to their efficacy, but he certainly incurred the displeasure and distrust of the British authorities in West Florida because of it. Nunn's protest was echoed by others from McGillivray, the commander at Natchez, and from Governor Chester.[64]

On the lakes back of New Orleans another complication arose. The British vessel *West Florida* had been there for some time and had received permission to pass and repass the Spanish fort at the bayou of St. John without being stopped. But on April 21, having received new instructions from the governor, the officer at the fort stopped the boat and forbade Captain Burdon to proceed. Angered by this interference Burdon served notice that during the observance of this policy, "I will not suffer a Boat to proceed across those Lakes or anywhere I may be a Cruizeing." In less than a week he had seized two boats on Lake Ponchartrain, and though Gálvez wrote to Captain Nunn for explanation and restitution, he was put off with the excuse that Burdon was not under the orders of Nunn. Here was an actual disadvantage for Spanish Louisiana incurred because of Gálvez' protection of the Americans.[65]

Except for Gálvez' stalwart protection the Americans at New Orleans would have been face to face with disaster. Oliver Pollock explained the situation succinctly to Congress,

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[62] Nunn to Gálvez, April 16, 1778, A. G. I., *Cuba*, 191. "Diario general . . .", A. G. I., *Cuba*, 2351.

[63] *Ibid.*

[64] McGillivray to Gálvez, no date, A. G. I., *Cuba*, 2370. Chester to Gálvez, May 28, 1778, A. G. I., *Cuba*, 191.

[65] Burdon to Gálvez, April 21, 1778, *ibid.* Gálvez to Nunn, April 29, 1778, copy in *ibid.* Nunn to Gálvez, May 1, 1778, *ibid.*

> "giving the greatest applause to Govr. Galvez for his noble Spirit & behavior on this Occasion, for tho' he had no Batteries erected, or even Men to defend the place against the Two Sloops of War, and at the same time a Small Sloop with a Hundred Men in the Lakes all coming against him with Demands & Threats, yet in this Situation he laughed at their Haughtiness and despised their attempts, and in short they returned as they came."[66]

Pollock was not the only one to recognize the value of Gálvez' protection of the Americans. Congress expressed appreciation "for his spirited and disinterested conduct toward these states." Governor Chester's tribute came in the form of an upbraiding for "every possible Countenance & Encouragement given to the Rebels in Louisiana." And some years later Gálvez was to reminisce without exaggeration that Willing and his men "owed their existence to our protection."[67]

That Gálvez was not subjected to any armed attacks by the British as a consequence of his protection of Willing's party was due in part to the bold front that he assumed in answering the British demands. The British were reluctant to embroil their nation in a war with Spain. Gálvez held the whip-hand, of course, in his authority over the prizes and captured goods, and he had earned some British gratitude by his opening Louisiana to the refugees and by his restoration of some of the plunder. He improved the defenses of his colony, though by itself this military array would have been very frail protection. After the chief danger was passed, three vessels, twelve officers, and 212 men arrived from Havana, making Louisiana thoroughly safe against reprisals.[68] Villebeuve reported that a contemplated British and Indian descent upon New Orleans was averted by the inconstancy of the Indian allies. And George Rogers Clark's conquest of the Illinois country frustrated another plan for vengeance upon Gálvez.[69] These later factors eventully contributed to Louisiana's security, but in the spring of 1778, Gálvez' boldness was probably the chief factor in forestalling British retribution.

Meanwhile, Willing's expedition had achieved one effect that was the exact opposite of the intention of its planners. Instead

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[66] Pollock to Congress, May 7, 1778, extract in A. G. I., *Cuba*, 2370.

[67] United States Continental Congress, *Secret Journals*, I, 91. Chester to Gálvez, May 28, 1778, A. G. I., *Cuba*, 191. Gálvez, to Gardoqui, April 28, 1785, A. G. I., *Audiencia de Santo Domingo*, 1243.

[68] Bernardo de Gálvez to José de Gálvez, June 9, 1778, A. G. I., *Audiencia de Santo Domingo*, 2596.

[69] Villebeuve to Gálvez, July 6, 1778, certified copy in A. G. I., *Audiencia de Santo Domingo*, 2596. Gálvez to Navarro, September 2, 1778, A. G. I., *Cuba*, 1232.

of facilitating the sending of supplies upstream to the revolutionists, it called forth British reënforcement of West Florida and the establishment of a virtual blockade of the river. American control of the river front was challenged as early as March, when a force of fifty soldiers was sent to Manchac. They surprised the small garrison, before dawn on March 19, and surrounding the building in which Willing's men were sleeping, fired two or three rounds, killing two men and one woman and wounding eight or ten, and took fourteen prisoner. When he learned of this capture, Willing sent another detachment to Manchac, which had the good fortune to recover the post without any opposition, because the loyalists believed that a superior force was coming against them and took to the woods.[70]

During April, Pollock and Willing were more concerned about control of the Natchez district, and sent some men under Lieutenant Harrison to see that the oath of neutrality was observed. Learning that these men were to go north, Colonel Anthony Hutchins broke his parole in New Orleans and hastened to his home where he "excited the inhabitants of Natchez to take up arms, by declaring on OATH to the people, that this detachment was coming up with a determination of robbing the inhabitants of their property without exception." Thus alarmed, the settlers took arms and stationed themselves at White Cliffs, prepared to resist any further American plundering. Harrison was warned of the danger by John Tally, a league below this ambush, and he sent Tally ahead with word that no hostilities were intended. Presuming that this pacific message had carried conviction, Harrison came up and across the river toward the Natchez settlers. There was a brief parley. Then Harrison discovered that he had entered a trap. He called out to all "friends to the United States" to stand apart; the reply came for all "friends to the Natchez" to fall below the gunwales of the American boat. A shot was fired —according to the settlers, by Harrison's order; according to the Americans, by those on shore. Then the firing became general. But the Americans, outnumbered and far more exposed than the settlers on shore, got the worst of it. Five men were killed; the rest quickly surrendered.[71] The Americans may have fired first, since Harrison did not know how large a concealed force was ar-

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[70] Bernardo de Gálvez to José de Gálvez, March 24, 1778, A. G. I., *Cuba*, 223 "Diario general . . .", A. G. I., *Cuba*, 2351.

[71] "Deposition of James Truly, November 6, 1797," in Ellicott, *Journal*, 130-132. "Journal of Captain Phelps," in Claiborne, *op. cit.*, 121.

rayed against him, but there would have been less folly in the settlers beginning the action.

Inasmuch as Gálvez had been instrumental in persuading Pollock to allow Hutchins the liberty of the town, on his parole of honor, he took Hutchins' breach of the parole as a personal affront. Writing to Captain Nunn he protested this ingratitude and inquired what Nunn thought of such conduct. Nunn replied that he was not fully informed of the circumstances which induced Hutchins to act as he had, but that he had been "cruelly plundered by the Enemies of his Country" very recently, and that his action against Harrison was self-protective, "to prevent the people who had already distressed him, from compleating his ruin." Nunn insisted that Hutchins appreciated the assistance he had received in Spanish Louisiana, and some months later Hutchins confessed such an obligation along with much more besides.[72]

In May, Willing was frustrated in another effort to renew his control along the Florida bank. He blamed his failure to get possession of Manchac this time on the unexpected appearance of the enemy in the Lakes, and on the discontent of his own men because Pollock had not completed the settlement of their accounts. Further grounds for Floridian apprehension of Willing appear in the latter's hope expressed on this occasion, that "a party may yet get up time enough to open the Levy, drown the Country, Felle some Trees in the *Brice* (*?*) and by Burning and destroying the Buildings and other materials, put a stop to their Operations until such time as sickness or ye arrival of a Reinforcement might effectually prevent their fixing themselves solidly."[73] Willing was not able, though, to carry out this desire, and instead we find Governor Chester encouraging the settlers to cast off all pretense of attachment to the Revolution. He sent garrisons to Manchac and Natchez, and exhorted the refugees to come back under the British flag or be guilty of "Criminal neglect of that duty which is due from you as faithful subjects, to the Best of Kings."[74]

Willing wrote of the loss of the English bank as "an unlucky circumstance to me and to the States." And though he tried to console himself with the thought that it, at least, had given him an opportunity to distinguish his friends from his enemies, the

[72] Nunn to Gálvez, April 23, 1778, A. G. I. *Cuba*, 191. Hutchins to Gálvez, August 10, 1778, A. G. I., *Cuba*, 192.

[73] Willing to Gálvez, May 24, 1778, A. G. I., *Cuba*, 2370.

[74] Chester to "all his Brittannick Majesty's loyal Subjects in Louisiana," May 28, 1778, A. G I., *Cuba*, 191.

Americans suffered disadvantages.[75] The settlers, in cooperation soon with the troops sent from Pensacola, set up an effective blockade on the river, interrupting Pollock's shipments of supplies to Fort Pitt, intercepting some messengers on their way from the United States, and eventually becoming so suspicious of Gálvez' pro-American proclivities that they prevented the despatch of goods even under the Spanish flag.[76]

Having aroused the West Floridians, Willing was unable to leave New Orleans by the Mississippi route. All his avenues of departure were endangered by these opponents whom he had victimized. And by tarrying on and on at New Orleans Willing wore out his welcome with both Gálvez and Pollock. The Spanish governor's displeasure was incurred quite early, when Willing issued a proclamation at New Orleans to his paroled prisoners. Gálvez considered it a disregard of Spanish sovereignty and called Willing to task for taking advantage of the hospitality and favors which had been extended to him. Sensing the governor's ire and realizing that he stood in need of further protection from him, Willing promptly explained that his offense had been unintentional, that he had thought this the least objectionable means of communicating with his paroled captives, and he apologized profusely for any offense he might have committed.[77] On at least one other occasion we see Galvez displaying some irritation toward Willing. This incident was in the course of the correspondence concerning the return to the British of certain illegal plunder which Willing's men had acquired. Willing made reference to the disapproval which Congress might show should these goods be returned, and Gálvez replied categorically that the restitution must be made, and added, with considerable heat, that his reply would be the same were the whole naval force of the United States at hand.[78]

Indirectly, even more than directly, Willing's presence at New Orleans came to be a matter of annoyance to the Spanish governor. He and Willing got along with only a moderate amount of friction. There is reason to believe, too, that the discomfiture of the West Floridians, through Willing's expedition, was a source

[75] Willing to Clark, September 1, 1778, in James, *George Rogers Clark Papers, 1771-1781*, 67-68.

[76] Pollock to Congress, May 7, 1778, extract in A. G. I., *Cuba*, 2370. Barker to McGillivray, September 12, 1778, Bancroft Library, *Louisiana Collection*.

[77] Gálvez to Willing, March 27, 1778, copy in A. G. I., *Cuba*, 191. Willing to Gálvez, April 1, 1778, A. G. I., *Cuba*, 2370.

[78] Gálvez to Willing, April 6, 1778, copy in A. G. I., *Cuba*, 191.

of satisfaction to Gálvez. But the longer Willing's stay drew out, the more uncomfortable Gálvez' position became. He was exposed, thus, to embarrassing demands from British naval officers in the Mississippi, to unpleasant protests from the authorities at Pensacola, and to real worry about the security of Louisiana should these protests be translated into action, not to mention his fear that British complaints would result in a severe rebuke for him from the court of Spain. Proofs of Galvez' readiness to see Willing leave are seen, not only in his expressions, but also in his willingness to grant loans and special permissions to expedite the departure of the American party.[79]

The friction between Gálvez and Willing, however, was as nothing when compared to that which developed between Pollock and the American leader. At first Pollock had cooperated most heartily with Willing. His influence had been largely responsible for the welcome the Americans had got in New Orleans. He had managed the sales of the plunder and had planned and assisted in some of the most important strokes against the British. But Pollock soon found that young Willing was difficult to do business with, that he had scant judgment about the probable consequences of the things he did, that he was content to dissipate in New Orleans when he should have been making genuine efforts to return to the states. This procrastination about going back north was especially aggravating. By the end of May the rift was so great that Willing felt it necessary to address Pollock in writing "to prevent any Verbal altercation." I insert a paragraph of Willing's letter because it describes the dispute and the condition of the American party, and also because its style reveals the spirit of the writer. After quoting his instructions from Congress and condemning Pollock for his administration of the finances of the expedition, Willing wrote:

> "But it is my Business at present to Insist upon a total change of Procedure—
>
> "My Men and Officers are discontented, myself displeased and the Governor himself highly dissatisfied with your Conduct and what is of the most serious consequence My Men are deserting and the American *Bank* as it is termed is become proverbially ridiculous. In a word the Service suffers and our Enemys rejoice—This there-

[79] For example the permit to fit out the *Rebecca* for the purpose and an advance from the Spanish treasury, on Pollock's credit, of 15,948 pesos, in addition to the 24,023 pesos previously loaned. José de Gálvez to Bernardo de Gálvez, September 24, 1778, and February 10, 1779, A. G. I., *Cuba*, 174.

> fore is to *insist* that You forthwith make out all your accounts so that the one half belonging to me and the Men be instantly divided and that you have the Ballance that is due on that Score ready to pay into my Hands on Monday or Tuesday next; Free of other charge or Commission that those of the Vendue Master . . . . I have kept a Copy of this to lay before The Congress and Governour if needfull."[80]

Answering this "very Extraordinary and unexpected Letter", Pollock suggested that had Willing taken a moment for reflection he would not have signed it. He promised a speedy accounting, but laid the delay to Willing's failure to place a valuation on the captured *Rebecca*. Willing had voluntarily put the prize goods in his hands, and in so doing had occasioned him "no small Expence". Expressing full confidence in a vindication from Congress, should Willing lay his "unsupportable Grievances" before it, and explaining the governor's displeasure as due to Willing's military manoevers rather than to his own conduct, Pollock concluded his letter by warning Willing "to be more cautious whom you trust as some how or other the Enemy is acquainted with all Your Proceedings".[81]

As Willing's stay stretched out into months, Pollock grew increasingly anxious to be rid of him—to end the expense of maintaining him and his party, to minimize English antagonism and suspicion of commerce up the Mississippi, to put an end to the contentions with Willing. Pollock's reports to the Continental Congress, together with his continued efforts to expedite Willing's departure, indicate the measure of his annoyance. From his letter of July 6:

> "The Small Party you sent here under the Command of Captn. James Willing without any order or subordinations has only thrown the whole river into Confusion and created a Number of Enemies and a heavy Expence."[82]

Again on August 11:

> "What his next Pretence for tarrying here will be God knows, but as there is a clear Passage for him and his Party to go up, part by Land and Part by Water through the Spanish Territories by way of the Appelousa & Nache-

[80] Willing to Pollock, May 30, 1778, A. G. I., *Cuba*, 2370.
[81] Pollock to Willing, May 31, 1778, A. G. I., *Cuba*, 2370.
[82] Pollock to Congress, July 6, 1778, extract in *ibid.*

> tosh and join Col. Clark I am determined to stop all Supplies in order to get him away."[83]

Wishing for Willing's departure was easier than bringing it about. There was not only Willing's changeableness to overcome, but a very definite British hazard as well. But Pollock, with Gálvez' assistance, set himself to accomplish it. The Mississippi route was first attempted.

> "Capt. Willing and his Party of Men I believe will set out from here in a few Days for Manchac where they are going to entrench themselves till you send down a proper force to assist them in making their Way back, which I hope will be soon."[84]

Pollock made this optomistic report on May 20, but as was indicated above, "the sudden and unexpected appearance of the Enemy in the Lakes", the garrison which Chester had promised for Manchac, frustrated this plan of moving Willing out of New Orleans and toward the north. The new British garrisons, the aroused settlers at Natchez, and the Indians newly enflamed by British agents closed the Mississippi route.[85]

Pollock's next recourse was the sea route. On June 16, after unsuccessful efforts to hire a French or Spanish boat, he asked Gálvez' permission to fit out the *Morris* to carry Willing and his men home. Two days later he thanked Gálvez for granting the permission. There was some delay, however, in preparing the *Morris,* and further postponement by Willing, who, in his reluctance to sail, urged that he ought to wait the arrival of the despatches O'Hara had left at the Arkansas.[86] Meanwhile Willing was asking the governor for permission to go north through Spanish territory and under Spanish protection, thus to escape the fury of the Natchez settlers. Gálvez refused because he suspected that this was merely a pretext to cloak new ravages of the English establishments. A partial concession was made, nevertheless, and on July 14, the governor issued a letter to the Spanish commanders along the Mississippi to allow Willing and twenty-five American to pass. But with the settlers so angry, the

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[83] Pollock to Congress, August 11, 1778, Library of Congress, *Papers of the Continental Congress,* vol. 50.

[84] Pollock to the Commerce Committee, May 20, 1778, *ibid.*

[85] Willing to Gálvez, May 24, 1778, A. G. I., *Cuba,* 2370.

[86] Pollock to Gálvez, June 16 and 18, 1778, *ibid.* Pollock to Congress, August 11, 1778, Library of Congress, *Papers of the Continental Congress,* vol. 50.

journey up the Mississippi was too hazardous a venture and no advantage was taken of this opportunity.[87]

A month later Robert George requested permission to lead the men, "lately commanded by Willing," north through Spanish territory. Gálvez replied that he would grant such permission if the American officers would swear "to follow the route directly, and not to offend or bother during the journey any English subjects, neither their possessions nor their persons, but on the contrary to treat them with the same consideration as if they were Spanish subjects." The American officers immediately furnished the required oath of honor and Gálvez issued a formal safe-conduct for the party by way of Opelousas, Natchitoches, and the Arkansas. The court of Spain eventually gave its approval, but in the meantime the Americans were on their way.[88] Their progress can be traced in part by certain drafts on Pollock by George, "Commandt. of the troops Imbarqued from Fort Pitt with Capn. James Willing out of the States of Virginia." At the Arkansas on January 8, 1779, there was one for $800, another on January 21 for "708 dollars 1 ryal", and from the Spanish Ozarks, on February 4, $700 and $1,000, and on February 25, $200. We can understand Pollock's report that "a very considerable expense was incurr'd . . . by the Publick Agent, who had however this consolation that nothing but his unwearied efforts to surmount a variety of obstacles could possibly have enabled them to return in safety."[89] These drafts, it is true, reached Pollock after he had exhausted his personal fortune and credit in the service of the patriot cause and consequently he was unable to pay them, but it was only because of Pollock's letter of credit that George was enabled to get supplies for his men on this journey back to the states.

Willing himself finally got away from New Orleans, going by sloop for Philadelphia. Pollock reported to the Commerce Committee that an additional expense of 919 pesos 1 real had been incurred in the final settlement with Willing, but implied that it was worth it to be rid of him. "I take the Liberty," he added, "of

[87] Gálvez to George, August 18, 1778, draft in A. G. I., *Cuba*, 2370. Gálvez a todos los Comandantes de la Costa del Rio Misisipi hta. la Punta Cortada, July 14, 1778, certified copy in A. G. I., *Cuba*, 2351.

[88] George to Gálvez, August 14, 1778, A. G. I., *Cuba*, 2370. Gálvez to George, August 18 and 19, 1778, drafts in *ibid.* George and Harrison to Gálvez, August 19, 1778, *ibid.* José de Gálvez to Bernardo de Gálvez, February 10, 1779, A. G. I., *Cuba*, 174.

[89] Copies of these drafts with Pollock's certificate of the reason for their nonacceptance are in A. G. I., *Cuba*, 122-1. Pollock to the President of Congress, September 18, 1782, Library of Congress, *Papers of the Continental Congress*, vol. 50.

forwarding a Box of the best Havanna Segars which I wish safe."[90]

It has been said that Willing went to the Tensaw settlements above Mobile where he agitated in vain for the rebel cause, and that he was taken prisoner and would have been hanged at Mobile in expiation for his atrocities and for circulating the Declaration of Independence. He escaped this dire punishment, according to the report, only because of Washington's prompt notification that he would hang a British officer if Willing were executed.[91] Having found no direct evidence to support this story I regard it as improbable.

But Willing's journey home was an unfortunate one; neither he nor the "Havanna Segars" arrived safe. The sloop was captured and Willing was taken a prisoner to New York. He contrived to escape and took refuge at the house of a friend, but found no shelter there, and "Being a person of Consequence" was given up to the British authorities. He was transferred to Long Island and then back to New York where he was loaded with irons for having resented an insult offered by a British officer. Congress directed the commissary general of prisoners, on January 14, 1779, to supply him "with one hundred pounds, New York currency, for his subsistence at New York." On July 5, 1779, his exchange for Nicholas Ogden was proposed, and toward the close of the year he is supposed to have been exchanged for Colonel Henry Hamilton.[92] At any rate, he was back at New Orleans in 1783, making affidavit that one of the negroes seized during the course of his expedition apparently had belonged to a citizen of the United States, who was "Intitled to the Value of Said Negroe."[93]

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[90] Pollock to the Commerce Committee, October 8, 1778, *ibid.*

[91] Hamilton, *Colonial Mobile*, 311. Mason, *Chapters from Illinois History*, 288. Pickett, *History of Alabama*, 348.

[92] "Z" to Washington, December 19, 1778, Library of Congress, *Washington Papers*, vol. 94. Thwaites and Kellogg, *op. cit.*, 192n. Randolph' *Memoirs, Correspondence and Miscellanies from the Papers of Thomas Jefferson*, I, 169. United States Continental Congress, *Journal*, XII, 65. Paullin, *Out-Letters of the Continental Marine Committee and Board of Admiralty*, II, 93. Monette, *History of the Discovery and Settlement of the Valley of the Mississippi*, I, 435n.

[93] This negro, Guy, was the object of a suit tried before Piernas in 1780, and indexed in *The Louisiana Historical Quarterly*, XIV, 475-477. In this litigation it seems to have been taken for granted that the seizure of Eason and his property was a "fair capture," and yet, in 1778, Gálvez had held that it was not, and had ordered restitution to Eason. Gálvez to Chester, May 1, 1778, A. G. I., *Cuba*, 191. This decision was made in spite of Willing's elaborate protest. Willing to Gálvez, April 13, 1778, A. G. I., *Cuba*, 2370. On March 5, 2783, Guy's ownership was again

Besides condemning Willing for his cruelty, writers have generally come to two conclusions about his expedition, to both of which I subscribe. In the first place, they recognize that in addition to temporarily crippling the British naval forces on the Mississippi, Willing interrupted the flow of supplies, particularly of lumber, from Natchez to Pensacola and Jamaica. In the second place, they point out that because of the expedition West Florida was lost to the patriot cause, or at least, that loyalist feeling in the district was crystalized. George Rogers Clark voiced this view in picturesque language.

> "The Intelligance from New Orleans is bad. I dont doubt you have before this been made Acquainted with it. I am now Convinced of what I have long suspected the bad Conduct of an American Officer in that Quarter. when plunder is the prevailing Passion of any Body of Troops wheather Great or Small, their Cuntrey can Expect but little service from them. Which I am sorry to find was too Much the Case with the party I allude to. Floriday on the Mississippi Might have been good subjects to the States if proper Measures had been taken and probably saved the Expence of a Campain. I should be happy hereaftor to find that I am Mistaken on this head."[94]

Certain other consequences of the expedition have not been so widely recognized. One concerned the strengthening of the defenses of British West Florida. In part, this had already been accomplished through the accentuation of loyalist feeling. Now it took more concrete form. A new commander was sent to Pensacola and instructed "to erect a fort on the Mississippi, at or near where Fort Bute stood, to command entrance of the Ibberville, with a garrison of 300; also to provide 2 or more gallies to protect the navigation of the river and to prevent any craft of the rebels descending to New Orleans."[95] This reënforcement of West

called in question when Willing made affidavit to the effect that from the first Guy was the property of an American.

> "I do certify that on the 19th of Febry. 1778 or thereabouts, I made Seizure of a Negro Boy named Guy, as British Property out of the Boat of Wm Eason, which negro made his Escape on Board of a British Man of War. and was never Acco'ted for to the Publick, and to the Best of my Knowledge, and as it has Since been made Appear, before Thos. Patterson Esq. Acting Agt. for Congress at New Orleans this 5th March 1783. That the Said Negro was the Property of Wm Smith, a Subject of the United States of North America, I conceive Said Wm Smith Intitled to the Value of Said Negroe Guy Given under my hand. Jas. Willing. Witness Present Thos. Paterson."

A. G. I., *Cuba*, 191. What effect this affidavit had on Guy's fate I do not know.

[94] Clark to Leyba, November 6, 1778, A. G. I., *Cuba*, 1.

[95] Clinton, October 27, 1778, in the Historical Manuscripts Commission, *Report on American Manuscripts*, I, 323.

Florida, especially as it added to the resistance that Gálvez had ultimately to face in the conquest of the district for Spain in 1779, was one of the most important results.

Another point not generally remarked concerned the effect upon Pollock's usefulness to the Revolutionary cause. By the end of 1778 bankruptcy practically prevented Pollock continuing his service of supply. The real difficulty, of course, was that neither Virginia nor the Continental Congress had sent remittances to cover the first purchases and to make others possible. But the wiping out of Pollock's personal fortune and the depletion of his personal credit were hastened by Willing's coming. Enough figures have been cited, in connection with advances to Willing, loans which Gálvez granted on Pollock's credit for the fitting out of the *Morris* and the *Rebecca*, the drafts of George and Harrison, etc., to indicate the financial drain on Pollock. Furthermore, the aroused ire of West Florida would have prevented the delivery of supplies had Pollock's credit still been good. No wonder Pollock grew bitter toward Willing! Yet Pollock saw the benefits which the United States might secure as a result of the expedition. On July 6, 1778, he urged Congress to follow up Willing's work with an expedition against Pensacola, and two years later he expressed the hope that Congress would not abandon the claims to the Mississippi which Willing had established.[96]

Nevertheless, our conclusion must be that Willing, while a resolute and compelling leader, was lacking in restraint and in humanity, that his raid did more harm than good, that such results as were beneficial to the United States are more to be credited to Pollock than to Willing, and that neither American leader could have accomplished much for the Revolutionary cause except for the fortunate partisanship of Governor Gálvez.

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[96] Pollock to Congress, July 6, 1778, extract in A. G. I., *Cuba*, 2370. Pollock to the Commerce Committee, January 20, 1780, Library of Congress, *Papers of the Continental Congress*, vol. 50.

FRENCH INCERTITUDE IN 1718 AS TO A SITE FOR NEW ORLEANS

Instructions of the Company of the West to Perrier, Chief Engineer of Louisiana, April 14, 1718.

TRANSLATED FROM MARGRY, VOL. V, CHAPTER VI, PAGE 599.

By Sally Dart

PART I.

FOREWORD

WITHOUT attempting to add anything to the controversy as to the date of the founding of New Orleans, it seems advisible to translate for the readers of the Quarterly the instructions of the Company of the West to Perrier who had been appointed Chief Engineer of Louisiana. This document is dated Paris, April 14, 1718, and it shows conclusively that while the Company had in contemplation the building of a town on the Mississippi to be called New Orleans, the site of the town had not been selected and that the Company preferred it should be located at Manchac (the Iberville river) 65 leagues from the sea. This is printed in full in Margry, Vol. V, Chap. VI, p. 599, but it has never been rendered into English. The document as a whole is an interesting exhibit and should be better known. It is quoted in part by de Villiers in his History of the Foundation of New Orleans, 1717-20, which work was translated by Warrington Dawson for the Quarterly and published in the Louisiana Historical Quarterly, Vol. 3, No. 2, page 186 (April, 1920).

Perrier died at Havana en route to Louisiana, and the local authorities at Biloxi took no steps to do the work covered by these instructions either because they had no authority to do so or because they were opposed to an establishment on the Mississippi. A better reason is that Bienville had forestalled the authorities in France; it is well settled that Bienville received his appointment as Governor of Louisiana on March 9, 1718, and that his first action was to locate the site of New Orleans at the place it now exists.[1] Notwithstanding Bienville's prompt action, the authorities in Paris still favored Biloxi as the main office and head-

[1] Gayarré, *History of Louisiana*, I, 233-4.

quarters of the Company and as late as September 15, 1720, issued instructions to Duvergier who was appointed Director and Commissaire Ordonnateur in Louisiana to make that place the headquarters of Louisiana. New Orleans was still categoried with Manchac and no sign was given in this document that the favorite of Bienville would be finally selected as the Capital of Louisiana on December 23, 1721.

These instructions to Duvergier are intrinsically interesting and with Perrier's instructions, constitute an essential element in the history of the foundation of New Orleans and of the incertitude of the Company of the West as to its future. The Duvergier document has also been translated by me and will form the second installment of this paper.

SALLY DART.

Instructions for Mr. Perrier, Chief Engineer of Louisiana
April 14, 1718

Margry, Vol. V, Chap. VI, p. 599.

IT IS of the utmost importance for the Company to have a thorough knowledge of safe harbors and the entrance of the Mississippi. Naturally these are the first things to which Mr. Perrier is to give his entire attention. In order to receive this information by the return of the boat on which he left, we wrote to Mr. de Bienville by the boats sailing last October 25th; however, it is important that Mr. Perrier obtain it for himself.

For this reason we suggest that as soon as the said Sieur Perrier arrives at Dauphine Island and while the vessels are unloading and arrangements (p. 600) (are being made) to ascend the Mississippi, he should: 1st, inspect with Mr. de Chateague, whom we have written to accompany him, the entrance of Dauphine Island from the remaining channel, apparently the same by which the ships *Paon* and *Paix* left last year; 2nd, sound the exact depth of water on the said bank closing the entrance of this port and consult the older settlers[1] of the colony about the current and the danger of this channel becoming worse.

Next, he is to enter Mobile Bay in order to sound the depth of water from the Bay to Fort Louis de la Mobile and to find a place where vessels can be made safe. It is claimed there is an

[1] Translator's note. The French word is *"anciens."*

inland creek East of the Bay where ships can enter and be protected. He is to verify this[2] and if they can be secure there against all enemies.

While inspecting the Eastern Coast of the Bay the said Sieur Perrier is to locate the place on Fish River, where stone has been successfully[3] obtained for the fortification of Dauphine Island. He is to ascertain the quality of this stone, the difficulty of obtaining and loading it, the number of cubic toise it will take going and coming, either from Dauphine Island or Fort Louis de la Mobile, at the same time calculating the expense of a large boat, its equipage, cargo and time consumed by each voyage.

He is to examine also the oyster shell banks reported near Dauphine Island, which will be useful for making lime (p. 601). This is not questionable but until limestone is found in the Colony, the question is to determine whether he will find them in sufficient quantities upon which he can depend, for building either at Dauphine Island or Fort Louis de la Mobile as well as at New Orleans, where in case of shortage it could be transported.

While the said Sieur Perrier is at Fort Louis de la Mobile, he is to inspect the saw-mill which the Sieur Mean has had constructed on a stream one league away. He is to examine its location, the number of planks of different timber it can saw within 24 hours, the number of men to operate it, and (inquire) if these men can farm or do other labor in certain seasons.

We do not think he should take contracts, at present, for fortifications or buildings either at Dauphine Island or Fort Louis de la Mobile. The said Sieur Perrier is to see, only in regards to fortifications, if Fort Louis de la Mobile is in good condition,[4] and if he should make repairs with piles or stockades after the maner of the country. Since the ancient pass of Dauphine Island is obstructed, near which a battery of cannon apparently had been placed, he is to see if this has been changed and he is to place it as advantageously as possible to protect ships entering the port of Dauphine Island.

He and the Directors-General are to inspect the houses and warehouses Mr. Crozat retroceded to the Company, and they are to decide what repairs are necessary in proportion to the

[2] Translator's note. The French is: Il s'agit de voir ce qui en est, et si on peut les mettre en securité contre les ennemies.

[3] Translator's note. The French is: d'où on s'étoit flatté de tirer de la pierre.

[4] Translator's note. The French is: Si . . . est en estat pour ce qu'il contient.

large (p. 602) quantity of merchandise arriving by the next shipment.[5]

We hope the said Sieur Perrier will be able to execute the above, while a part of the merchandise is being unloaded at Dauphine Island and arrangements (are being made) to enter the Mississippi river which *should be attempted with the same ships, if possible.*

According to the orders we are sending the Directors-General they must leave at Dauphine Island only the brigantines, shallops and boats necessary; and must anchor the two other brigantines with their feluccas, shallops, boats and pirogues close to the Bar at the entrance of the Mississippi river, and after carefully sounding it enter all vessels that can pass the Bar.

We order Mr. de Bienville and Mr. de Chateaugue to remain there and to sound the Bar themselves. This is their especial duty. However, we are very glad the said Sieur Perrier will be there also. He must consider thoroughly a way of removing part of the Bar, even if mud or trees obstruct it. He is to see if *the mill* offered him by Mr. Gilly can be used, *because all sorts of ways must be used to open the entrance of the river.* *

We have shipped six iron dredging machines and four grapplings on the flute *Marie* for dredging the Bar (p. 603) so that the mud can be stirred up and carried off by the current of the river. As there will be many people on the three vessels and other ships with which the said Sieur Perrier will enter the river, we think he should try out the dredges before entering. Upon his arrival, he must discuss and decide this with Messrs. de Bienville and de Chateaugue and the Directors-General.

Should they decide to make the enlargement, the said Sieur Perrier, will draw up the plans and estimates and decide with the Directors-General upon the cheapest way, either by contract, which seems most difficult in a country where a dirth of men makes day labor high, or by laborers and "faux-saulniers" whom the Company maintain, or by the soldiers who will prove to be laborers when they charge by the day. He should put in charge of this work the Sieur Bajot, a captain sent there four years ago as an engineer. This being his profession he is qualified to direct the structures.

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[5] Translator's note: The French is: Que par le passé qui y arriveront.

* "Mill" is the word of the text "Il verra si le *moulin*," etc.

As there is no officer in the Colony to take care of the artillery we pray Mr. Perrier to take charge of the detail and examine it when he inspects Dauphine Island and Fort Louis de la Mobile; hereunto is attached the list of pieces in the Colony, thirty-nine in number. He must see that each piece has its carriage and arms, and must supply missing parts; consider the suitability of mounting those without field or marine carriages (p. 604) in order to make them more easily movable. The said Sieur Perrier will see by the attached statement there are few balls, but some are being sent by the first vessels. He can dispose of the thirty-nine pieces wherever the Directors-General see fit at Dauphine Island, Fort Louis and Mobile Bay, because the *Victorie* is bringing sixteen others and a detail to serve the guns, which are destined for New Orleans; an explanation will follow.[6] When the said Sieur Perrier has taken cognizance of the above detail, he is to go to Ship Island, where it is reported there is a very good anchorage between the said Island and the main-land. The said Sieur Perrier, always accompanied by Mr. de Chateaugué, must not only learn at what distance from the island ships can anchor and if a battery on the Island will be safe under fire, but he must also make a sort of tour of the island, searching for a deep creek in which to safely enter vessels, and how he can keep them there, if they will be safe there, and if the land of the island is high. He is to send us a description of the general characteristics of the island.

He must make the best map possible of the rivers course up to the place the Directors-General select for the foundation of New Orleans. On this (map) he is to mark the soundings carefully taken by Messrs. de Bienville and Chateaugue. He is to observe (p. 605) the height of the river banks and anything unusual.

We do not know the place they will choose for the establishment of New Orleans; but as the said Sieur Perrier will be in the council held concerning it, he must understand the first requisite concerning the choice of land.

It is essentially important to settle in the most convenient place for communication with Mobile, either by sea or by Lake Ponchartrain, where there will be least danger of inundation, and near the best agricultural land possible.

These different considerations convince us, as well as we are able to judge from our position, that Manchac stream is the

[6] Translator's note. The French is: Ainsi qu'il sera expliqué cy après.

most convenient place. The enciente of the town should be kept on the banks of the river and the stream. It will be wise to examine the place thoroughly before making a decision. If the ground is suitable then New Orleans will be better located there than elsewhere, because of the convenience of communication with Mobile by the stream, which it is reported can be made permanently navigable with little expense, and because it is within easy reach of the entrance of the Red River and the Yassou settlement, whence we expect the first crop of wheat (perhaps eventually it will be grown in this place [New Orleans]). Finally because game becomes more plentiful and the air purer the further inland one goes.

Supposing (p. 606) the ground suitable, the only difficulty in settling New Orleans on the Manchac stream would be the distance from the sea which is sixty-five leagues. If, however, ships can go up that far and if it is only a matter of a few days more or less, this obstacle ought not to overcome the advantages, because ships will not come every day, and one can enjoy other conveniences the whole year. There will be another thing to consider while ascending the river and that will be the choice of a suitable place, perhaps English Turn, for establishing a post with a battery in a small fort to prevent the ascent of hostile ships.

It has been stated above that 16 pieces of canon have been shipped on the flute *Marie,* with their carriages, arms and bullets, of which fourteen are eight pounders and two are six; twelve eight pounders can be placed in this advanced post and only two eight and two six can be saved for New Orleans, where they will be least needed.

The Sieur La Palice, an ensign on half pay, who served seven years in the company of Cannoniers at Torigny and who understands the service of the artillery, will be qualified for this post under another officer; we are writing about him to the Directors-General.

When they have chosen the site for New Orleans we think the Sieur Perrier should start marking out the enceinte of a fort which might later become a citadel. This should be made at first by simply enclosing some piles after the manner of the country, and, within (p. 607) the enclosure of the fort place the warehouses of the Company and the lodgments of the Directors-General, the major officers, the officers and soldiers who compose the New Orleans garrison; then the said Sieur Perrier will mark

the enceinte of the city and the alignments of the streets, with lots suitable for each inhabitant within the enclosure of the city, allowing the Directors-General land on the outskirts for cultivation.

As soon as the men are lodged the construction of the warehouses will be most urgent; we are unable to suggest the size or manner of their construction—that must be determined by the Directors-General and Mr. Perrier. We will only observe that during his sojourn at Dauphine Island and Mobile, he ought to give his attention to collecting as many planks, sheatings and scantlings as he finds, for use on arrival at New Orleans.

They should start this work by housing the men and merchandise in makeshifts; but this does not mean the Sieur Perrier must not consider a more suitable way of procuring material to make more solid buildings. For this reason he must establish the brick work as soon as possible, if the soil in or near New Orleans is suitable, employing in them either soldiers or "faux-saulniers" who know the trade, or some brick-makers whom we will send by the first vessels, if we cannot locate some to leave with him. For this reason we are sending some brick in the three vessels with which he travels (p. 608), he must keep it carefully for (building) the first kiln.

When he has disposed of the first directions he should go himself in search of stone in the vicinity of New Orleans, for building (purposes) as well as for lime-making; it is possible he will find it. He must particularly endeavor to find stone on the banks ascending the river, because transportation will cost less and it will be better to build immediately with stone or brick.

In addition, we charge Mr. Perrier to write us on all occasions and advise us all he thinks can be done for the establishment of the Colony and because we know he will execute our present instructions promptly, we charge him to inform us about them in the margin of each article on the copy of the present instruction, which we will return to him.

Done at Paris, in the office of the Company of the West, April 14, 1718.

A HISTORY OF CONCORDIA PARISH, LOUISIANA

BY

ROBERT DABNEY CALHOUN

VIDALIA, LA.

Dedicated to the memory of my father, Judge Nathan Meredith Calhoun

PREFACE

THE author of this book has always been a lover of history. In the course of his law practice, his researches of the public records of Concordia Parish have disclosed many old documents of unusual interest. He has long entertained an ambition to write a history of our Parish, but has been deterred both by the magnitude of the task and by his want of confidence in his ability. However, the desire has finally overcome his prudence, and the result is now presented for whatever it may be worth.

The field was absolutely untouched; no one had ever blazed the way. His search for material has been intensive and arduous, and has taken much time. Its quest has necessitated poring over many old volumes and through innumerable dusty files.

In writing this book, the aim has been to present accurately the available authentic material; and the author has refrained from flights of imagination. He has not attempted to create a second Garden of Eden; nor to clothe the actors who have passed across the stage with the glamorous trappings of the Crusaders.

The author does not entertain the opinion that this book is a complete history of Concordia Parish. No doubt, there were many important events of which he knows nothing. He was unable to explore at all many avenues which might have led to the discovery of valuable information.

The author wishes, especially, to thank Judge Hugh Tullis, of Vidalia, and Hon. G. P. Whittington, of Alexandria, for their sympathetic interest and aid; and Judge John Dale and Hon. G. P. Bullis, of Vidalia, for the use of their libraries. Other acknowledgments have been made in the text.

But this book, as presented, is largely the result of the constructive criticism by Hon. Henry P. Dart, Editor of the *Louisiana Historical Quarterly*, of the author's first draft. His enthusiasm and assistance spurred the writer on to further effort.

If the author has, in some measure, cleared away "The weeds of oblivion which are daily creeping over and concealing the vestiges of the past," he is amply rewarded.

Vidalia, Louisiana, August 1st, 1931.

CHAPTER I

THE WILDERNESS

While the first white settlement in Concordia Parish was not made until the very closing years of the Eighteenth Century, certain important events which occurred long before that time controlled the hour of our birth, and, as it were, the complexion of the infant. The wars which had been waged by the great powers of Europe, and the intrigues of the courts of Madrid, Paris and London, and the treaty adjustments made between them, are the threads from which our swaddling clothes were woven. We shall review very briefly these major events of an earlier time, for the purpose of refreshing the memory and bringing more directly to the attention of the reader their effect on our particular locality.

After gazing in wonder at the mighty Mississippi, at the lower Chickasaw Bluff, in May, 1541,[1] DeSoto crossed the river, and wandered about in what is now the State of Arkansas. All historians are agreed that his party returned to the river; that he died on May 21, 1542, and that his remains were consigned to the Father of Waters. Some historians contend that the place of his death and burial was near the present City of Helena.[2] Other historians maintain that after crossing the river, his expedition wandered over to the head-waters of the Ouachita, and that he followed this stream and the Black and the Red to its mouth, where he died.[3]

Colonel John R. Fordyce, who made a very intensive study and research some years ago, and who is supported by apparently credible data, maintains that when DeSoto reached the junction of the Tensas River with the Ouachita, he turned east up the Tensas and died on Lake St. John, and was carried from there,

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[1] Claiborne, J. F. H., *Mississippi as a Province, Territory and State*, p. 8. (Cited hereafter as Claiborne).

See also Rowland *A Symposium on the Place of Discovery of the Mississippi River, by Hernando De Soto*, Jackson, Miss., 1927.

[2] Claiborne, *ibid.*, pp. 10, 11.

[3] Bancroft, George, *History of the United States*, 15th Ed., 1855, Vol. 1, pp. 55-56

a very short distance, to the river.[4] DeSoto may have trod our soil, either near the mouth of Red River or on Lake St. John. It is a mere matter of conjecture, but worth noting.

When LaSalle descended the river more than a hundred years later, he visited with the "Taensas" and the "Natchez" Indians, in March of 1682, and having arrived at the Passes, on April 9th, 1682, in a formal ceremony, he proclaimed that he had taken possession of the whole vast country of Louisiana in the name of the King of France.[5]

Shortly after the founding of Biloxi by Iberville, in 1700, he made a voyage up the Mississippi, visiting the Natchez at their great village, "White Apple," and also visiting with the "Taensas," the latter tribe belonging to the great Natchez Confederacy. The principal village of the Tensas was on what is now Lake Saint Joseph, in Tensas Parish. Here M. d'Iberville witnessed a horrifying slaughter of infants, during the progress of a severe storm. Seventeen infants were strangled and thrown into the flames by their parents as a human sacrifice, in propitiation of their gods.[6] The Tensas also had a village on what is now the "Indian Village" plantation, in the northern end of our Parish, and there are several Indian mounds at Frogmore, and one on Horse Shoe Lake. Our territory was, no doubt, a hunting ground of the Natchez and their allies.

In August 1716, Bienville conducted an expedition up the river and established a French post at Natchez, and built a fort, which he called Fort Rosalie,[7] and in the subsequent years some few land concessions were made, and settled, in its immediate vicinity. Although the site of the present Town of Vidalia was in rifle range of Fort Rosalie, Concordia remained a wilderness for approximately eighty years after the first white settlement at Natchez. The French neither established a post nor made any land grants in Concordia; although, following the founding of New Orleans, grants were made and the country was settled by them as far up as Pointe Coupee. The settlement of the west bank in our locality was not undertaken because of the Natchez Indian wars and the final abandonment of Fort Rosalie.

Following the great massacre at Natchez on the morning of November 28, 1729,[8] when the Indians entered the Fort by a

[4] Fordyce, Col. John R., *The Times-Picayune*, Sunday, June 2, 1929.
[5] Claiborne, pp. 13, 14.
[6] *Ibid.*, p. 26; also Chambers, Henry E., *A History of Louisiana*, Vol. I, p. 62 (Cited hereafter as Chambers).
[7] Claiborne, p. 34.
[8] *Ibid.*, pp. 43, 44.

ruse and slew practically the entire garrison of 250 men, including Chopart, the French Commandant, to whose inhuman treatment of the Indians historians ascribe the massacre, in 1730, Governor Perrier, from New Orleans, despatched an expedition, under Lubois, against the Natchez. His force was augmented by the Choctaws, inveterate foes of the Natchez. After several days hard fighting, and after the Natchez had surrendered the captive women and children of the French to the Choctaws, on the night of the 27th or 28th of February, 1730, they silently withdrew from the Fort and crossed the river, and passing through Concordia, established themselves in Catahoula Parish.[9]

In November, 1731, Governor Perrier sent a formidable military force against the Natchez. This expedition assembled at the mouth of Old River, and proceeded by boat to what is now Jonesville. The Natchez having retreated to Sicily Island, Perrier's forces pursued them, and the last great battle with the Natchez, as a tribe, took place on what is now Peck's Battle Ground Plantation, near Lake Louis, at the foot of the Sicily Island hills, January 20th to 25th, 1732.[10] Many were slain and many taken prisoners, and the remainder of the decimated tribe scattered through the swamps. One band subsequently attacked Fort St. Denis, now Natchitoches,[11] and others joined the Chickasaws in North Mississippi, where they made war on the French for many years.

The French domination of the whole of Louisiana continued, with many failures and vicissitudes, until 1764. Prior to 1762, England and Portugal, on the one side, had been at war with France and Spain on the other; and by the secret treaty of Fontainebleau,[12] of November 3, 1762, France ceded to Spain *"all the country known under the name of Louisiana,"* and which comprised her entire possessions both east and west of the Mississippi. By the treaty of February 10, 1763,[13] between the Kings of France and Spain, on the one part, and of Great Britain on the other, France ceded to Great Britain all her territory "on the left side of the Mississippi River, *with the exception of the Town of New Orleans and the island on which it stands"*; and Spain ceded to Great Britain the Province of Florida, as well as all the

[9] *Ibid.*, pp. 45-47.
[10] *Ibid.*, pp. 51, 55.
[11] *Ibid.*, p. 55.
[12] Fortier, Alcée, *Louisiana*, (Cyclopedic, 1914), Vol. 2, p. 542, (Cited hereafter as Fortier).
[13] *Ibid.*, Vol. 2, pp. 543, 544.

country she possessed on the Continent of North America to the east and southeast of the Mississippi River. The effect of these two treaties was to sever the sovereignty in our immediate locality and to further defer the settlement of the west bank.

As to the Natchez District, Claiborne says:[14]

> "We have no evidence of any grant having been made by the French after the massacre, and no knowledge of any settlement or immigration until 1763, when Great Britain took possession, and the Natchez District became a part of West Florida. The following year she garrisoned Fort Rosalie, which they called Fort Panmure. They found it a mere ruin, covered with forest trees, and a few old French cannon lying around. The probability is that Perrier, in his expedition against the Natchez, summoned the garrison at Fort Rosalie to join him, and that they were not sent back. From that period, (1732), until the British accession, (1763), we hear nothing of this famed district."

With the accession of the British and the establishment of Fort Panmure, in charge of a Commandant under Johnstone, the Governor of West Florida, with headquarters at Pensacola, the Natchez District soon began settling up with colonists from the Atlantic seaboard; and this emigration was stimulated by and during the Revolutionary War, and continued under the Spanish domination of the Natchez District, when it succeeded to the British regime.[15] In 1765 Great Britain was exercising her sovereignty on the east bank down to Bayou Manchac, which was the upper boundary of the "Island of Orleans"; but Spain had been in no hurry to take over the possession of that Island and the City of New Orleans and the vast region known as Louisiana, lying west of the river, and which she had acquired from France by the secret treaty of 1762.

In 1766, she sent over Ulloa as Provincial Governor. He was accompanied by only ninety soldiers—a force entirely inadequate —and the French troops having refused to serve under the flag of Spain, the new Governor did not take formal possession of the Province.[16] He continued to remain in the Colony, which he governed through the French Governor, Aubry, Spain paying the bills from the time of his arrival, and Aubry executing the orders and decrees of Ulloa.

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[14] Claiborne, p. 113.
[15] *Ibid.*, p. 115.
[16] Gayarré, Charles, *History of Louisiana*, 4th Ed., 1903, Vol. 2, p. 161. (Cited hereafter as Gayarré).

On January 20, 1768, Aubry wrote his Government:

> "I am still waiting for the arrival of the Spanish troops, without which it is absolutely impossible that Ulloa should take possession of the Colony. In the meantime, the affairs are conducted as much as possible as if it had been effected. But I am in one of the most extraordinary positions. I command for the King of France, and at the same time, I govern the Colony as if it belonged to the King of Spain. A French commander is gradually moulding Frenchmen to Spanish domination. The Spanish Government urges me to issue ordinances in relation to the police and commerce of the country, which take the people by surprise, considering that they are not used to such novelties. This Colony is an instrument which it is necessary to take to pieces and re-model so as to make it play the Spanish tune.
>
> The Spanish flag is now waving at the extremities of the Province. It is at the Balize, at Missouri, on the bank of the Iberville River," (Bayou Manchac), "and opposite *Natchez*. Mr. Ulloa has just established these *four* Posts; and has distributed among them the ninety soldiers that came with him."[17]

In the fall of 1768, Foucault wrote, from New Orleans, to the French Minister:

> "We shall take command of the several posts established by Ulloa, and they shall be occupied by the French until we receive the orders we have asked for. We have been for a month in the possession of the Post at Balize. Mr. Aubry and myself have sent Mr Landry, subengineer, to the Post of Iberville and at Natchez, in order, jointly with the officers of his Catholic Majesty," (the King of Spain), "who command all these places, to make an inventory of the artillery, ammunition and merchandise and other effects at these places; and to station at each of these points eight or ten Acadians, in the place of the soldiers whom it is impossible to send there, on account of the small number of them that are here."[18]

This letter of Foucault's was occasioned by the revolt of the French citizens of New Orleans on October 31, 1768, and the expulsion by them of Ulloa from the Colony.[19] The Spanish

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[17] *Ibid.*, Vol. 2, p. 185.
[18] *Ibid.*, Vol. 2, p. 245.
[19] Grace King & John R. Ficklen, *A History of Louisiana*, p. 120. (Cited hereafter as King & Ficklen).

domination of Louisiana really began with the accession of "Bloody" O'Reilly as Provincial Governor in 1769.[20]

We advance to the time of the American Revolution. France having joined the American Colonies in their struggle for independence, Spain followed suit and declared war against Great Britain. Galvez, the able young Spanish Governor of Louisiana, took Manchac; and after several days investment and bombardment, the British garrison at Baton Rouge capitulated on September 21, 1779. A few days later, the British evacuated Fort Panmure, retiring entirely from West Florida to Mobile and Pensacola, from which places they were ousted by Galvez in 1781.[21]

Following the British withdrawal from Natchez, the Spaniards took possession and the territory on both sides of the river was again under one flag. By the definitive "Treaty of Paris" of September 3, 1783, between the United States, Great Britain and Spain, the western boundary of the United States was recognized as being the Mississippi River down to the intersection of said river by the 31st degree of North latitude, thence east on said degree of latitude to the Apalachicola, and with said river to its junction with the Flint, thence to the head of the St. Mary's River, and down the middle of the St. Mary's to the Atlantic Ocean; and by the same treaty Spain gained the Provinces of East and West Florida, which were ceded to her by Great Britain,[22] and of which she was already in possession under the Galvez conquests.

The Spaniards were very reluctant to withdraw from the "Natchez District" lying north of the 31st parallel, which crosses the river a little below Fort Adams, and had not done so in 1795. By the "Treaty of Madrid," entered into between the United States and Spain on October 27, 1795, Spain recognized the 31st parallel as the boundary, as theretofore fixed by the Treaty of Paris, and it was agreed that surveyors and commissioners of the two governments should be appointed to locate and mark it.[23]

But notwithstanding the treaties and the definite location of the 31st parallel, the Spanish flag continued to wave over Natchez until 1798, all diplomatic efforts to oust them having been unsuccessful. In the early part of that year, the United States

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[20] *Ibid.*, p. 123.
[21] *Ibid.*, pp. 130, 131.
[22] *Ibid.*, p. 133.
[23] Fortier, Vol. 2, p. 547.

Government directed General James Wilkinson to take possession by force, if necessary. At the time, Don Stephen Minor represented the Spanish Government at Natchez. Wilkinson sent Captain Isaac Guion, with a military force, to Natchez; and after some negotiation, the Spanish garrison at Walnut Hills, (now Vicksburg), withdrew; and on March 30, 1798, the Spanish garrison left Natchez, for Baton Rouge, south of the 31st. parallel, and thus ended the Spanish domination at Natchez, and the sovereignty on the two banks of the river at this point was severed again.[24]

In 1800, by the secret treaty of St. Ildefonso, the King of Spain ceded to the French Republic "the Colony or Province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it ought to be after the treaties subsequently entered into between Spain and other States."[25] While Spain was still in actual possession, the Louisiana purchase was negotiated by Livingston and Monroe, and was consummated between the United States and the French Republic by the treaty of cession signed at Paris on April 30, 1803.[26] On the 30th of November, 1803, the formal ceremony of transfer of the Province from Spain to France took place at the Cabildo; and on December 20th, 1803, at the same historic spot, the French Commissioners formally delivered the Province of Louisiana to the United States, through its representatives W. C. C. Claiborne and James Wilkinson.[27]

The Act of Congress approved March 26, 1804,[28] created the Territory of Orleans, comprising all of the present State of Louisiana, with the exception of the "Florida Parishes," which remained under Spanish regime until the settlers of that section, without governmental authority, captured the Fort at Baton Rouge, killing Lieutenant Grandpre, its commander, in 1810.[29]

It was further provided in the Act that the Territorial government should become effective on October 1, 1804, the legislative power being vested in the Governor and thirteen Counsellors appointed by the President; and by the amendatory act of 1805,

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[24] Claiborne, pp. 178-195.
[25] Fortier, Vol. 2, p. 548.
[26] *Ibid.*, Vol. II, pp. 96-102—"Louisiana Purchase."
[27] King & Ficklen, pp. 152, 155.
[28] C. 38, 2 Stat., 283.
[29] King & Ficklen, pp. 167, 168.

the Legislative Council was reduced to five members appointed by the President, and a Lower House of twenty-five elective representatives was created. W. C. C. Claiborne, second Governor of Mississippi Territory, was Governor *ad interim* of Louisiana, pending the creation and organization of the Orleans Territory, then the Territorial Governor, and first Governor of the State of Louisiana.

A Constitutional Convention assembled in New Orleans on November 4, 1811, and on January 22, 1812, the Constitution which they had drafted was adopted by unanimous vote;[30] and the Act of Congress of April 8, 1812, approving it and admitting the State of Louisiana into the Union, became effective April 30, 1812.[31] The boundaries of the State, as delineated in the preamble to the Constitution, did not include the "Florida Parishes" area, and this territory was tendered the State by Act of Congress of April 14, 1812,[32] and was accepted by Legislative Resolution, approved August 4, 1812.[33]

We may be "sailing before the wind," but we may as well say here that the delegates to this Constitutional Convention, elected from Concordia, were David B. Morgan and James Dunlap. On the preliminary resolution, both of these, with three or four others, opposed adoption of a Constitution and application for admission, Morgan speaking against it, and both voting against it.[34] What their reason was we do not know, but perhaps they took the view, as had Governor Claiborne, at times, that on account of the meagerness of population, and the difference in race, customs and language of the inhabitants, Louisiana was not in a position to stand on her own feet. Certainly, they did not oppose the admission upon the grounds advanced by the brilliant Josiah Quincy, of Massachusetts, and others, who maintained that the original purchase was unconstitutional, and that to admit states which were not carved out of territory originally belonging to the Thirteen Colonies, was a violation of their compact.[35]

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[30] Fortier, Vol. 1, pp. 254, 255—"Const. Conv. of 1811."

[31] *Ibid.*, Vol. 1, p. 255; also C. 50, 2 Stat. 701.

[32] C. 57, 2 Stat. 708.

[33] Acts 1812, Chapter 1, p. 5.

[34] Fortier, Vol. 1, p. 254.

[35] Speech delivered U. S. House of Representatives, January 14, 1811. Collection of *Orations*, (P. F. Collier & Son, 1902), Vol. 9, pp. 3879-3900.

CHAPTER II

THE POST OF CONCORD AND SETTLEMENT OF CONCORDIA

The first settlement of Concordia was begun as the sun was setting over the Spanish regime in Louisiana. The first historic mention of any establishment in Concordia is found in Aubry's communication of 1768, wherein he says that Ulloa had just established a post opposite Natchez. Foucault refers to it as the "Post at Natchez." What he meant to say was the Post *opposite* Natchez. He probably used the word *"at"* because no name had been given the little Post. The garrison was feeble, and, probably, the Acadians, if they were actually sent, did not remain and the Post was abandoned. There is nothing in history or tradition pointing to its maintenance.

In 1796, the Baron de Carondelet, Governor General of Louisiana, granted to Louis Bringier forty thousand superficial arpents of land at the junction of the "Rio Negro," (Black River), and the "Bayou" Tensas; and this is the first land grant of which there is any record. The grant is not recorded here, but from an ancient certified copy of the plat and *proces verbal* of survey[36] by Trudeau, we learn that the grant was made in consideration of services rendered the Spanish Government by Don Marius Bringier, father of the grantee. There was no settlement of the grant at that time. It was developed many years later, and will be the subject of further notice. No doubt, anterior to this, the Spaniards had a trail through Concordia, connecting their Posts of Natchez and Natchitoches; and, no doubt, the early settlers at Natchez hunted in its forests and traded with its Indians. On February 27, 1797, Carondelet granted to Thomas and James Grafton each one thousand arpents, and to John Grafton five hundred arpents, of land on the Mississippi River.[37] These grants were not located and surveyed until 1802. On March 4, 1798, Don José Vidal, from Natchez, petitioned Manuel Gayoso de Lemos, Governor General at New Orleans, for a grant of lands on the west bank for himself and his two sons, stating that by reason of the fact that the United States was about to take possession of Natchez under the treaty of 1795, he wished to remove into Spanish territory. He called the Governor's attention to the vacant land on the west side of the river opposite the "Disembark-

[36] Unrecorded document in Parish Archives. (Cited hereafter as Archives).
[37] Record Book "A-I," pp. 275, 276, 277. Archives.

adero," (landing), and the "Plaza of Natchez," and he prayed for a grant of 800 arpents to himself and 500 arpents to each of his sons.[38]

These grants were signed by the Governor on April 21, 1798, and it was stipulated that the grants should be surveyed, and that "should they be opposite the landing and Plaza of Natchez, a strip fronting three arpents on the river by a depth of twenty arpents shall be reserved for the purpose of building a *strong house*," (fort), "in case it should be thought advisable for the Government to erect one, and also to provide a place of refuge for reputable persons living east of the river who might not wish to remain there."[39] The reserved strip is shown on U. S. Township Plat as Sec. 49, Tp. 7N., R. 10 E, and is the site of the original Post. A rough sketch, from the survey of Wm. Atkinson in August, 1802, is found in Deed Book "A-I", page 79. It shows three acres fronting on the river designated as "Commons," with town lots in the rear, and the town is designated on the plat as 'New Concordia."

The settlement of the Vidal grant is definitely fixed by an affidavit of William Gillespie, made before James Dunlap, Parish Judge, on February 14, 1812, in which the affiant deposes:[40]

> "That in 1798, he was engaged by Captain Joseph Vidal to make a settlement and improvement on a...parcel of land situate in the County of Concordia, on the west margin of the Mississippi River, opposite the City of Natchez, containing 800 arpents of land; that he crossed the river in that year, and did go upon the said premises and make an improvement for said Vidal, by clearing lands and residing thereon; that he continued on said land until 1801, in which year said Joseph Vidal took possession of said premises himself, and continued in possession thereof for several years thereafter, with his family..."

We find no grants of Town lots of record in the year 1801, but there were quite a number in 1802 and 1803.[41]

On December 4, 1801, there was granted to Don Manuel Texada[42] 740 acres extending from Lake Concordia to the Mississippi River, which was surveyed by Wm. Atkinson, "Deputy Surveyor of the Post of Concordia." This grant forms a part of the pres-

[38] Recorded in Spanish, Conveyance Book "B," p. 144.
[39] *Ibid.*, p. 145.
[40] Conveyance Book "B," p. 206.
[41] Record Book "A—I," sundry pages.
[42] *Ibid.*, p. 120.

ent Tacony and Arnaudlia Plantations. Grants were made in 1802, and a larger number during 1803, along the entire Mississippi front, from near Red River up into Tensas, and around the borders of Lakes Concordia and St. John, and Lakes Bruen and St. Joseph.[43]

Don José Vidal was born in Spain about 1755[44] and came to the Province of Louisiana as a Captain in the Spanish Army. He was Secretary to Governor Gayoso de Lemos at Natchez,[45] and acted, at times, as Governor, in the absence of that official. Upon the promotion of de Lemos to the Governor-Generalship of the Province, and the elevation of Stephen Minor to the Governorship at Natchez,[46] José Vidal was made Commandant there.[47] Upon his removal to the west bank and the establishment of the Post of Concordia, Vidal was appointed Spanish Civil and Military Commandant of the Post, a position he held until the cession to the United States.[48]

The Post is designated in the early records as the "Post of New Concordia," the "Post of Concord" and the "Post of Concordia," and the adjacent territory is referred to as "Concordia." Whence came the name? Gayarré says[49] that an amicable agreement was reached between Commandant Vidal and the American authorities in command at Natchez for the mutual surrender and exchange of fugitive slaves, and that in commemoration of the amity existing between the two governments in this locality, he named the Post "Concord."

We submit that Gayarré is in error. Such an agreement was probably reached, but it was not responsible for the naming of the post. During the regime of de Lemos as Governor at Natchez, he built a magnificent residence, to which he gave the name "Concord," in recognition of the amity existing between the English-speaking settlers of the Natchez District and their Spanish rulers. On his removal to New Orleans, de Lemos sold his mansion to Don Stephen Minor. Claiborne says[50] that it was the most historic residence in Mississippi; and it is practically certain that the Post of Concord derived its name from the name of Governor

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[43] *Ibid.*, sundry pages, (includes recorded plats).
[44] Inscription on tomb.
[45] Fortier, Vol. 1, p. 552.
[46] Claiborne, p. 184.
[47] *Ibid.*, p. 195.
[48] *Ibid.*, p. 195.
[49] Gayarré, Vol. 3, pp. 297, 298.
[50] Claiborne, p. 272.

de Lemos' mansion, and, of course, the outlying district was called "Concordia."

Much of the history of the early Spanish land claims, with details of clearing and settlement is found in Vol. 2, pages 618 to 637, of American State Papers, series "Lands." Most of the claims were initiated by a "requete" addressed to Vidal, followed by his authorization for a survey. As to his authority, we have before us, as we write, an original translation, made by him, of his official instructions from Manuel de Salcedo, Governor of the Province of Louisiana, which reads:

> "To Joseph Vidal:
>
> You will cause the person named Prestley to be dislodged from the place where he has established himself, unless he should present you a permission from this Government. It would be generally understood that (it) will not be licit or lawful for any person to settle without you being informed thereof. Therefore, you will order the Wood Rangers not to permit any one to settle, and to acquaint you immediately of any occurrence, in order that you may take such steps as you may think proper. With a view that you may be sure that your orders may be obeyed, your jurisdiction or command extends to the Red River, ordering notwithstanding even below the said River, to dislodge any person who would intend to settle, acquainting thereof the Commandant of Pointe Coupee, with whom you will keep a friendly intercourse, as also with the Governor of Baton Rouge, to whom I do transmit a copy of this official communication, for their knowledge and compliance. God preserve you many years!
>
> New Orleans, the 30th. October, 1801.
>
> (signed) Manuel de Salcedo."[51]

In passing, we might note that the man referred to as "Prestly" was old Simon Pressler, who settled in the lower part of the Parish, almost opposite Fort Adams. He was not dislodged, and was a member of our Police Jury for many years.

Most of the Spanish land claims were surveyed by John P. Walker or Juan Pedro Walker, as he was often designated, and by his brother, Peter Celestine Walker, who usually signed himself "Peter Walker." As the titles to most all of our "front lands" are based on these surveys and permits to settle, we quote one of them:[52]

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[51] Archives, unrecorded.
[52] Record Book "A—I," pp. 131, 132.

"I, Peter Walker, commissioned for the interim as Surveyor of the Post of Concordia, certify that, with the approbation of the Commandant of said Post, Don José Vidal, have laid out and surveyed in favor of David B. Morgan, a tract of land situated on the marginal west side of the Mississippi River, about two leagues and a half below said Post, containing 760 acres, bounded by the lands of Philip Engle and Hamilton Jett, and by vacant land on the rear, as this figurative plat sheweth, which tract of land was never surveyed or occupied by any other person to the best of my knowledge.

In proof whereof, I have signed these presents at Concordia 6th. of April, 1803.

(signed) Peter Walker."

(*Here follows the plat or map of tract surveyed.*)

"I, Don José Vidal, Captain & Commandant of the Post of Concordia, certify that by the solicitation of Don David B. Morgan, there was surveyed in his favor the 760 acres as this figurative plat sheweth, which land was surveyed in the presence of Philip Engle and Joseph Walker, witnesses. A regular grant must be obtained from the Intendant General of this Province for a title in form, and while enjoying peacable possession, he is to conform to the regulations of clearing land, *keeping up levees, making roads, etc.*, for the interest of the country and Post.

In proof whereof, I have signed these presents, with the witnesses above mentioned, but understood that it is not in my power to grant a title. Application must be made to the Intendant General for a title in form.

Concordia, April 6th, 1803.

Philip Engle
Joseph Walker (signed) Joseph Vidal

The three Walkers, John P., Peter Celestine and Joseph were sons of Peter Walker, the elder, who was the first Clerk of Court at Natchez,[53] and who died in Concordia in 1804. John P. Walker was with Ellicott in the survey of the 31st parallel.[54] Peter C. Walker, surveyor and lawyer, was the first prosecuting attorney of Concordia County. General Joseph Walker owned a part of the White Hall Plantation and resided in Concordia until about 1817, removing to Rapides. While here, he was a Justice of the Peace and a member of the Police Jury. He was President

[53] Claiborne, p. 196.
[54] *Ibid.*, p. 196.

of the Constitutional Convention of 1845 and Governor of the State from 1850 to 1853.

From Hon. G. P. Whittington, of Alexandria, a great-grandson of General Joseph Walker, we learn that John P. Walker joined the Spanish Army in Texas, becoming a Lieutenant, and was one of the party that captured Pike. He also engaged, as did Philip Nolan, in bringing horses from Texas, via Rapides, to Natchez for sale. Nothing is known as to what became of him. Mr. Whittington has a letter written by him from Cadiz, March 10, 1817, in which he says: "I am at present in this City without any means, except a small quantity of purse money assigned to me by the Captain General until the determination of the Court for my existence."

W. C. C. Claiborne arrived at Natchez on November 22, 1801, to assume his duties as Governor of the Mississippi Territory, and from a letter written by him the next day to James Madison, Secretary of State, we get both a picture of the country to the North of the Post of Concord and a vision and a prophecy which has come to pass. He says:

> "I left Nashville 8th. ult. and arrived here yesterday morning. The voyage was a long one, owing to the low state of the Cumberland, Ohio and Mississippi Rivers. The shores of the Mississippi are fertile beyond description... Its future of productive power and population is beyond the wildest imagination to calculate. This great delta is almost entirely unoccupied. On the western, or Spanish shore, there are about three petty settlements between the mouth of the Ohio and the Post of Concord, opposite this place, an interval of some 800 miles. Seventy miles below the Ohio is the Village of New Madrid, with a small Spanish garrison . . . There are probably fifty houses occupied chiefly by people of French extraction. Thirty-five miles lower down is a village of some twenty houses, and 150 miles below, opposite the lower Chickasaw Bluff, is a small block house, garrisoned by a sergeant and twelve men.
>
> On the eastern or American bank of the Mississippi, the only improvement until I reached the Walnut Hills was our Fort Pickering, at the bluffs below Wolf River. ."[55]

In 1801, the Spanish Government, through the Marquis of Casa Calvo, granted to Thomas Thompson, (brother-in-law of Vidal),

[55] *Ibid.*, p. 221.

the exclusive right to operate a ferry across the Mississippi from the Post of Concord to Natchez. This franchise was the subject of litigation from 1841 to 1846, in the suit of Samuel Davis vs the Police Jury of Concordia Parish, twice decided by the Supreme Court of Louisiana and finally by the Supreme Court of the United States. Aside from the interesting legal questions involved, the reports of these decisions and the original record contain much information of historic interest, not only about the ferry, but the state of development of the country at the time, and shortly after, the grant was made.

We will first quote the grant in full:[56]

"Mr. Commandant of the Post of Concordia:

Thomas Thompson, with due respect represents and sayeth:—That as there are now *no more than five inhabitants established here,* we cannot incur the expense of a road unless the King pays us our work; and whereas His Excellency the Governor has granted to Don Juan Heverard the ferry of Black River, for making a road at his expense from said river to the Bayou Cocodrillo," (Cocodrie), "the petitioner proposes that from the Post to Bayou Cocodrillo he will likewise make the road of 30 or 40 feet wide, at his expense, with the condition that he may be granted to hold the ferry from his plantation to the landing of Natchez, as a privilege attached to his plantation; to which effect he promises to keep flats and other necessary boats for the purpose. This favor he expects to receive from you.

Concordia, 27th. January, 1801.

(signed) Thomas Thompson."

"His Excellency, the Governor:—

The proposition made by the petitioner is similar to that you were pleased to grant to Don Juan Heverard. The small number of inhabitants residing at this Post does not permit that they employ themselves in an undertaking so costly, unless they be compensated, as I have exposed to your excellency on this subject. Considering the advantages which will result, I recommend to Your Excellency to grant the prayer of the petitioner, who is a person capable of fulfilling what he proposes; providing it may please Your Excellency to grant the privilege which he solicits.

Concordia, 31st January, 1801.

(signed) Jh. Vidal."

[56] Recorded in Spanish, Conveyance Book "B," p. 90.

"New Orleans, 19th February, 1801.

"Thomas Thompson conforming himself to make the road which he proposes, at his expense, under the inspection of the Commandant of the Post of Concordia, I grant him the privilege he prays for, to be attached to the plantation he possesses, in order that, from that place, with the exclusive privilege, he may carry on the ferry of the river, demanding and receiving only the prices equitable and customary which may be established by knowledge of said Commandant.

(signed) El Marquis de Casa Calvo."

"Whereas Thomas Thompson has complied with the conditions which he offered in his memorial; and that he has executed under my inspection what was prescribed to him by his Excellency the Governor in his anterior decree, I deliver these unto him, that he may make them valuable, and possess himself of the exclusive privilege granted to him of the ferry from the Post to the landing at Natchez.

Concordia, 16th. February,1802.

(signed) Jh. Vidal."

In 1803, Thompson conveyed his franchise to José Vidal, who continued to operate the ferry, through his lessees, until 1817, when he sold it to Samuel Davis, (his son-in-law), "who has ever since kept up a ferry," says the Court. In 1839, the Police Jury passed an ordinance for the letting of a ferry privilege from Vidalia to Natchez to the highest bidder. Davis enjoined their action,[57] setting up a perpetual and exclusive franchise from the Spanish Government to his author in title, Thompson; his continuous operation of the ferry and the acquiescence of the Police Jury by the collection of a yearly license fee of $10.00; that the Police Jury had no power to set the grant aside, or to operate a ferry within three miles, etc.

The defence of the Police Jury was:

(1) That the Marquis of Casa Calvo signed the grant in his private capacity, and not officially as Spanish Governor of Louisiana;
(2) That, as matter of fact, he held no commission from Spain as Governor General;
(3) That, if he was the Governor General, by Spanish decree, the power to grant lands was in the Intendant of the Province, and not in the Governor General, and the granting of a franchise for a ferry was in the same officer;

[57] Original Record, Docket No. 536—Archives.

(4) That, if these defences were not good, at the time of the grant, the Spanish Government had no title to convey, inasmuch as she had ceded the Province of Louisiana to France in 1800, by the Treaty of St. Ildefonso;
(5) That if the grant was valid originally, it was void for failure of consideration, in that Thompson had never built the road, which was the condition on which the grant was made; and finally
(6) That the ferry was not being operated from a landing on the Thompson land.

We quote the following from one of the decisions of the Supreme Court of Louisiana:[58]

> "Upon the ground taken by the defendants that the conditions of the grant had not been complied with, a great deal of evidence has been adduced on both sides. It shows that Thompson did make a road, and several witnesses testify that it was sufficient for the line of travel in those days. It is well known that at that period, and long after, inland roads in Louisiana were nothing but traces. The Spaniards carefully avoided the labor of cutting down trees; they found it easier to make a mark upon them and use them as guides through the wilderness. When the cane and underwood were cut away and the trees blazed, the road was considered as made. The roads on the banks of navigable streams were the only exception. These were royal roads, and the timber upon them was to be cut down and removed, by an express condition in the grants of the land fronting on them. Walker, one of the witnesses, states that the road passed partly through canebrakes and partly through the open woods; that the cane and some of the small trees and cypress knees were cut away, and the trees blazed. Other witnesses state that it was occasionally traveled by carts and wagons. It is true that other witnesses testify that the road, when they saw it, was not thirty feet wide. In that part of it which lay through the open woods, it must have been exceedingly difficult to tell whether it was, or was not, of the proper width. Where, on the other hand, the cane had been cut away, it must have grown up again immediately afterwards, so as to leave open only the trace which travelers followed. Thompson was not required by his grant to keep the road in repair. We think that, at this distance of time, there is sufficient evidence to corrobrate the certificate of the Commandant, under whose inspection the road was made, that

[58] 1st. La. Ann. Reports, pp. 289-299; prior opinion, 19th La. Reports, pp. 532-540.

> the conditions of the grant had been substantially complied with."

The Louisiana Supreme Court further held that Casa Calvo was the Spanish Governor *de facto* at the time, and that:

> "The effect of the Treaty of St. Ildefonso upon grants made by the Spanish Government subsequent to its date is a question not open to *our inquiry.*"

The Louisiana Supreme Court having dissolved Davis' injunction on other grounds, we quote the syllabus of the decision of the United States Supreme Court:[59]

> "The Treaty of St. Ildefonso, by which Spain ceded Louisiana to France, became operative to transfer the sovereignty upon the day of its date, viz: the 1st of October, 1800.
>
> By the laws of Nations, all treaties, as well those for cessions of territory as for other purposes, are binding upon the contracting parties, unless when otherwise provided in them, from the day they are signed. The ratification of them relates back to the time of signing.
>
> Where territory is ceded, the national character continues for commercial purposes until actual delivery; but between the time of signing the treaty and the actual delivery of the territory, the sovereignty of the ceding power ceases, except for strictly municipal purposes, or such an exercise of it as is necessary to preserve and enforce the sanctions of its social condition.
>
> The power to grant lands or franchises is one of the attributes of sovereignty which ceases.
>
> The Spanish Governor of Louisiana had therefore no right to grant a perpetual ferry franchise on the 19th. of of February, 1801, and consequently it is not *property* which was protected by the 3rd. Article of the Treaty of Paris of 1803, between France and the United States,"

and the decision of the State Court was affirmed.

We think it well to quote here from the original record the testimony of witnesses who were here in 1801 and the years immediately following:—

Testimony of David B. Morgan:

> "A resident of St. Tammany Parish at the time of testifying, and 69 years old. Was acquainted with the coun-

[59] 9th Howard, p. 280, 13th Law Ed., p. 138.

try around the Post of Concordia since 1801; was intimately acquainted with Joseph Vidal, the Commandant, said acquaintance beginning in 1802. Was acquainted with the road leading from the Post of Concordia to Lake Concordia in 1802. At that period it was a road cut through the woods and cane, but was not as much as 30 or 40 feet wide. Never traveled further than Lake Concordia previous to 1805. In 1802, I traveled the road from Post of Concordia to Lake Concordia, to a place improved by a man named Texada. I know where the Government House stood in 1802, in which the Commandant resided, which is nearly opposite, and I believe a little below, the Old Fort at Natchez. The country from the river at the Post of Concordia to Bayou Cocodrie was a thick canebrake. There were very few persons residing then in that section."

Testimony of Polycarpe La Mothe:

"I was in the Parish of Concordia in the year 1801 or 1802, for the purpose of trading in cattle. I was about twenty years old at that time, and the soldiers stationed there assisted me in passing the cattle over the ferry. I crossed Black River at the junction of Little River, at a place called Cadet Hebrard's ferry, from which place there was a road all the way to the Mississippi, after which the road extended up the bank of the river to the ferry landing opposite Natchez, a distance of three or four miles. The road was used by the public, but don't know whether for carts or wagons. There was a great deal of cane and heavy timber. The road was used for traveling on horseback as well as on foot."

Testimony of Francis Henderson:

"I live nine miles above the Post of Concordia. Moved my family there in the year 1801. Was acquainted with the country four or five years before I moved my family to it; was about twenty years old at that time. There was a ferry there then, used principally for crossing stock by Job and Jeremiah Routh, but I think it was for their own private use. After that, Thompson kept a ferry for the public. There was a road from the ferry landing to the Cocodry or Crocodile, and I think I saw Thompson cut the road out. The country at that time consisted of a dense canebrake and was thickly timbered. The road was used by travelers on horse and by foot. I think it was wide enough for wagons, though I never saw wagons on it, but had seen wagon tracks. The road was passable for teams at that time, partly if not all the way."

Testimony of George W. Lovelace:

> "I live in Catahoula Parish. My first acquaintance with the Parish of Concordia was in the year 1801, as I was passing from the Post of Rapide to Natchez. I was 19 years old. That was in July, 1801, and I found the road cut out from the Muddy or Boggy Bayou to Thompson's house near the Post. It was the only road I knew running from the Post of Concordia to the Post of Rapide. There was dense cane and it was thickly timbered all the way. There was a bridge over Boggy Bayou. The road crossed Bayou Cocodrie at a place where Lee afterwards lived. The road ran on the margin of some Lake, but not Concordia Lake. It started at Thompson's house and ran to Boggy Bayou, and no further at that time, and there was no other road running across there that I know of. A cart could have used it. I passed again in the year *1803*, and found a pretty good road all the way to Cady's or the place now called Trinity. I do not know by whom the road was cut out, but it ran all the way from Thompson's on the Mississippi to Cadys, at the mouth of Little River."

Testimony of Peter Little:

> "I have resided in Natchez and Concordia Parish since 1798. What is now the Town of Vidalia was formerly the Post of Concordia, and the ferry was a little above the Government house. The Government house was between a quarter and a half mile above the upper line of the Thompson tract. Thompson ran the ferry from 1801 to 1803, and afterwards Vidal. In 1801, there were but few people living here, *and perhaps five or six houses.* In 1803 1804 there were about 20 or 30 acres cleared and in cultivation on the Thompson Tract."

The Thompson tract extended from the river back to Lake Concordia, and the front of it is inside the present limits of Vidalia, and adjoins the upper side of the Lattimore tract, which is now the home of Albert H Gillespie.

Testimony of Dr. David Lattimore:

> "I purchased my tract in 1805, and at that time the Thompson road was nothing more than a bridle-path. In 1810, the country was settled up as far as Chotard's," (now Sycamore Plantation), "but between Chotard's and Cocodrie there was nothing more than a bridle-way. I resigned as Parish Judge in 1811."

Testimony of Thomas Alexander:

> "I came to Concordia Parish in 1807, and have lived here ever since. Owned a cotton plantation near the Post, on Lake Concordia. There were no roads suitable for carts and wagons leading from the Post to Lake Concordia at that time, merely a bridle way. In 1818 or 1819, Judge Perkins opened a road between himself and Dr. Lattimore, on the lower line of the Lattimore tract, leading out to the Lake."

Testimony of General Joseph Walker:

> "I was frequently in Concordia Parish in 1802 and 1803, and from 1804 to 1807, I lived about three miles below Vidalia. Thompson kept the ferry in 1803 and 1804. I recollect that in the fall of 1802, there was a road cut from the Post of Concordia to Bayou Cocodrie, and which crossed the Cocodrie at a place afterwards called Lee's crossing, and running to Cady Hebred's ferry on Black River. The road passed through a cane ridge just below Vidalia. The road was sufficient for the travel at that time, for at that time no person hardly ever traveled it except on foot or horse. In the winter of 1803, or spring of 1804, there was a road cut from Vidalia down the cane ridge going down the Mississippi to what was called Carter's old place, on the Little Lake," (White Hall Lake), "about four and a half miles below the Post of Concordia, and it was all cleared of cane and small timber. This road was cut by myself, Thompson and other settlers."

Before concluding this chapter let us add another brief reference to Don José Vidal: As Secretary to Governor de Lemos, he witnessed the Indian Treaty of May 14, 1790, "at the Parochial Church of the Savior of the World at the Fort of the Natchez," between the Spanish Governor and Tascaduca, King of the Chickasaw Nation, and Franchimastabia, principal chief of the Choctaws.[60] In 1811, he was elected a member of our Territorial legislature. In 1817, he was named by the Legislature of Mississippi as one of the Trustees of the "Roman Catholic Society of Natchez."[61] In 1824, he made his will "in contemplation of the perils of a trip to the City of Mexico."[62] He died in 1833, and is buried in the Natchez City Cemetery in the A. V. Davis lot. His daughter, Maria, married Samuel Davis, and their descendents now living in

[60] Fortier, Vol. 1, p. 552.
[61] Shields, Joseph Dunbar, *Natchez, Its Early History*, p. 245, (Cited hereafter as Shields).
[62] Concordia Will Book, p. 38.

this section are: Alfred Vidal Davis 3rd, Mrs Richardson Ayres, Mrs. Shirley Boatner and Mrs. G. W. Walker. Another descendant, a great-grandson, Dr. Robert S. Carter, died in 1930, and is buried in the same lot. He owned a part of the old Vidal property at the time of his death. Dr. Carter, descended from an old Virginia family, was a cousin of Robert E. Lee. As to Vidal, the Historian Claiborne says of him: "He had all of the characteristics of the Spanish gentleman—proud, ceremonious, dignified, but generous, hospitable, ever ready to confer a favor."[63]

In October of 1803, a tiger in human form was skulking in the swampy area of timber, vines and cane bordering on Lake Concordia. His crimes had been many and atrocious. He was the erstwhile leader of a band of robbers that had rifled the pockets and packs of many travelers, leaving the mutilated corpses of its victims strewn along the Natchez Trace. The band had its lairs at Cave-in Rock, in Kentucky, and below New Madrid, and at Stack's Island in the Mississippi, near Lake Providence. They had preyed upon the river commerce, sacking keelboat and broadhorn; murdering the boatmen and leaving their bodies to be sucked down to the river's bottom in their scuttled boats. The band operated on the principle that "dead men tell no tales," and there was terror in the land. Through the activities of frontier officials —American and Spanish—and of outraged settlers, this villainous crew had been dispersed and a reward of $2,000 had been posted by Governor Claiborne, of Mississippi Territory, for the capture of its leader.

While this arch-criminal was hiding in our wilderness near the Post of Concord, he was joined by two evil-looking fellows of the same ilk, calling themselves John Setton and James Mays. He was unsuspicious, for one of them at least, Setton, had been an active member of his gang. They sat with him around his camp fire, partook of his supper; and in the dark hours of the night they slew him. They cut off his head and plastered it with blue clay to prevent putrefaction, and took it to Natchez in the bow of their canoe, in order that it might be identified and the reward collected. When the clay ball was peeled, its gruesome contents was fully identified by old Swaney, the mail rider of the Natchez Trace, and by others, as being the head of *Samuel Mason.*

[63] Claiborne, p. 195.

But there was a kink in the payment of the reward, and the kink developed into a couple of halters. A man appeared and identified the pair as the two men who had held up and robbed him on the Natchez Trace a few weeks before. Others came forward and positively identified Setton as being Wiley Harpe, known as Little Harpe, who, together with his brother, known as Big Harpe, had some years before left a trail of blood along the Nashville Trace and the Wilderness Road in Tennessee and Kentucky. Big Harpe had theretofore paid the price of his villainy, and his skull was bleaching in the fork of a tree at a Kentucky cross-roads, the place being thereafter known as Harpe's Head.

Wiley Harpe, alias Setton, and James Mays were taken to the now forgotten town of Greenville, about twenty miles from Natchez, where they were speedily tried, convicted and hung in February, 1804.[64]

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[64] Coates, Robert M., *The Outlaw Years*, pp. 160-165, The Literary Guild, 1930; also Claiborne, pp. 225, 228; Shields, pp. 46, 48.

(To be Continued)

SHIP LISTS OF PASSENGERS LEAVING FRANCE FOR LOUISIANA, 1718-1724.

SECOND INSTALLMENT

Transcribed from the copies of the originals obtained in France for the Louisiana Historical Society and now in its library in the Cabildo in New Orleans in a bound volume entitled "Louisiane. Passagers. 1718-1724."

Translated by Albert Laplace Dart of New Orleans

II.

LE VAISSEAU LE PHILIPPE (THE VESSEL *LE PHILIPPE*)

Rolle des Passagers Embarqués sur le Vaisseau Le Phillippes de la Compagnie D'Occident Capitaine Sr. Pipourse pour estres mis à terre à la Louisianne.

(List of the passengers embarked on the Vessel *Le Philippe* of the Company of the West, Captain Sr. Pipourse, to be landed at Louisiana.)

PREMIÈREMENT. (FIRST)

Resté à terre et est débarqué dans *La Dauphine*. (Stayed on shore and have embarked in *The Dauphine*.)

Le Sieur Patrice Sauvage, Enseigne d'Infanterie (Ensign of infantry).

Le Sr. De Beaulieu, Enseigne Reformé (Ensign at half pay).

CONCESSION DES SRS. DE SEMONVILLE ET CANET (CONCESSION OF THE SRS. DE SEMONVILLE AND CANET)

HABITANS (SETTLERS)

Le Sr. de Semonville

Madᵉ. de Semonville

Le Sr. Canet

Madᵉ. Canet

Le Sr. de Bellegarde

François Girard, de Mezières sur Meuse (of Mezieres on the Meuse)

François Presson de Verdun (of Verdun)

Henry Tremon de Mezières (of Mezieres)

Martin Dauvergne de Champeau en Brie (of Champeau in Brie)

Louis de Flande de Corbie (of Corbie)

Olne la Force, sa femme (his wife)

Antoine Gaget de Verdun (of Verdun)

Firmin de Flandre de Corbie (of Corbie)

Jean Giros de Chabannes en Poictou (of Chabannes in Poictou)

Francois Gallas de Paris (of Paris)

Guy Samson d'Houville en Beauce (of Houville in Beauce)

Louis Estienne Leve de Paris (of Paris)

Pierre le Comte, de Dorton en Franche Comté (of Dorton in Franche Comte)

François Lupé de Paris (of Paris)

Claude Chevalier de Lion (of Lion)

François Payen de Peronne en Picardie (of Peronne in Picardie)

Nicolas Marcelles d'Arras (of Arras)

Jean la Fontaine de Fougere en Bretagne (of Fougere in Brittany)

Nicolas Lhomme de Chartres en Beauce (of Chartres in Beauce)

Jean Autrusseau de la Rochelle (of la Rochelle)

Pierre Mauduisson de Beaugency (of Beaugency)

Marie Lemoine Dubourg d'Alvert en Saintonge (of Alvert in Saintonge)

(CONCESSION DU SR. OLIVIER LABITANT
(CONCESSION OF SR. OLIVIER LABITANT)

Le Sr. Olivier

Louis de Bru de Paris, son commis (of Paris, his clerk)

Marie Rousseau de St. Jean d'Angely, sa gouvernante (of St. Jean d'Angely, his governess)

Pierre Lemoine de St. Mexant Évêché du Mans (of St. Mexant, bishopric of Mans)

Jean Menard de Bouteville près Angoulême (of Bouteville near Angoulême)

Pierre Brutier de Ruffé pres Angoulême (of Ruffé near Angoulême)

Charles Antoine de Cannes de Paris (of Cannes, of Paris)

Jean Jolivet de Paris (of Paris)

Guillaume Damiens de Paris, Chirurgien (of Paris, surgeon)

Jean Morin de Chateaubriand en Bretagne (of Chauteaubriand in Brittany)

Martin Alay de Chezeau en Touraine (of Chezeau in Touraine)

Jacques Munier de Paris (of Paris)

Marc Boyer de la Rochelle (of la Rochelle)

Pierre Bonu de la Rochelle (of la Rochelle)

CONCESSION DE BEAUCOUDRÉ
(CONCESSION OF BEAUCOUDRÉ)

Le Sr. de Beaucoudré, concessionnaire (concessionary)

Marianne le Clerk de Paris sa gouvernante (of Paris, his governess)

Louis Pierre Dubois de Paris son commis, deserté, (of Paris, his clerk, deserted)

Jacques le Compte de Poictiers, idem (of Poictiers, ditto)

Maturin Masse de Mareuil en Poictou (of Mareuil in Poictou)

Pierre Bidas de Francoeur Dumans, deserté (of Francoeur Dumans, deserted)

Antoine Barrait de Nantes, idem (of Nantes, deserted)

Jean du Rieux de Saurnur, idem (of Saurnur, deserted)

Jean Milain de Augers, renvoyé (of Augers, sent back)

Martin Siguinos de Sts. Marie évêché de Nantes (of Sts. Marie, bishopric of Nantes)

Pierre Vaunier dt. Sans Soucy de Lavale, renvoyé (of Lavale, sent back)

Jean Leval d'Angers, Renvoyé (of Angers, sent back)

Gabriel Demoins de Bouilles Laurens (of Bouilles Laurens)

Philippe Daniau

Le femme du dt. Daniau (the wife of said Daniau)

Michel Lugué

Gabriel Milain

CONCESSION DE SR. BROSSARD
(CONCESSION OF MR. BROSSARD)

Le Sr. Brossard de Lion (of Lion)

Mathieu Brossard son neveu (his nephew)

Mad^{e}. Brossard sa belle soeur (his sister-in-law)

Le Sr. Machou de Paris (of Paris)

Mad^{e}. Grandin de Paris (of Paris)

Mad^{e}. Faucon d'idem (of ditto)

Noël de Prevon de Lion (of Lyon)

François Riviere d'idem (of ditto)

Louis Bernoldy

Catherine Chagneau de Rompsay (of Rompsay)

Marie Chagneau d'id. (of ditto)

Jean Chagneau d'id. (of ditto)

Marie Tachon d'id. (of ditto)

Jean Laboureau de Dompierre (of Dompierre)

Estienne Chagneau

Claude Doirier de Beaugency (of Beaugency)

François Chagneau

Marie Chatessin de Lion (of Lion)

Michel Bessac de Saintes (of Saintes)

Jean Bouchard

Jean Tachon de Saintes (of Saintes)

Louis Tachon

CONCESSION DE SR. MAZY
(CONCESSION OF MR. MAZY)

Le Sr. Mazy

Le Sr. le Maistre

Louis Martinot de Tours (of Tours)

La femme du dt. Martinot (the wife of said Martinot)

Louis Martinot leur fils (their son)

Therese Chailloux de la Rochelle (of la Rochelle)

Louis Brisard de Tours (of Tours)

François Lamouveaux de Paris (of Paris)

François Allevin de Corbeil (of Corbeil)

Jacques Herisse de Tours (of Tours)

Jacques du Bois de Metz (of Metz)

François Allain de Tours (of Tours)

Antoine Denis de Paris (of Paris)

Antoine de la Goublaye de Fontainebleau (of Fontainebleau)

Gregoire Farrias

Rene Farrias

Jean Lhospital

Mathurin Dreux

SOLDATS (SOLDIERS)

Silvestres, sergent (sergeant)

Boutier dit de Langle (the same, of Langle)

DuVernay, cadet (cadet)

DuRouvroy, cadet (cadet)

Protest, cadet (cadet)

Cezille L'aîné, Cadet The elder cadet)

Cezille Le Cadet, cadet (the younger cadet)

Craft Alorge

Roussel L'aîné (the elder)

Roussel Le Cadet (the younger)

La Vasseur L'aîné (the elder)

Le Vasseur Le Cadet (the younger)

Duverger
sa femme (his wife)

Hiacinthe Marchand
sa femme (his wife)

Louis Fagot

sa femme (his wife)

Ponce Merault

sa femme (his wife)

Durand La Roche
sa femme (his wife)
Benjamin Simon
Estienne Brassard d. Limage (called Limage)
Jean Baptiste Emery
Jean Thomas le Compte
Charles Compagnon
St. Prix
Guerdon
Henry La Ville
Pierre Langevin
La Lancette
sa femme (his wife)
Paul Mazaye

SOLDATS EMBARQUÉS À BAYONNE PAR ORDRE DE LA COUR
(SOLDIERS EMBARKED AT BAYONNE BY ORDER OF THE COURT)

Jean Pierre de Vaux
Pierre Fillatreau
Joseph Chola
Antoine Misère
Pierre Henry Devos
Louis Theodore Brisebois
Claude Bertel
Martin Bardel
Antoine Joseph Deur
Antoine Guerie
Charles Merier
Jean Baptiste Beauveau
Lenneur Guibert

Concession. (Concessionaries)	78
f. et filles (ladies and girls)	23
P. Part. (still ashore)	4
Off[ers]. et soldats (Officers and soldiers)	30
déserteurs (deserters)	13
	148

PASSAGERS LIBRES. (FREE PASSENGERS)

Le Sr. Dumont

Batteon

Marselat, menuisier, de la concession de Mrs. de Laire (joiner, of the Concession of Mrs. de Laire)

Catenat, tailleur de pierres, de la concession de Mrs. de Laire (stone-cutter of the concession of Mrs. de Laire)

Pierre Le Bel de la Concession de Mr. Massy (of the concession of Mr. Massy)

Je soussigné Directeur de la Compagnie D'occident certiffe le présent Rolle véritable pour le nombre de cent quarante-huict personnes à La Rochelle.

le 25 Janvier 1719 LESTOBEC

Il est permis au sus-dit Capitaine de Passer dans son Vaisseau le Philippe les cent quarante-huict personnes Desnommées au present Estat, aux conditions qu'il observera les ordonnances du Roy. Fait a la Rochelle le 26 Janvier 1719.

HURLOT

(I the undersigned Director of the Company of the West certify the present List true for the number of one hundred and forty-eight persons at La Rochelle.
January 25, 1719)

LESTOBEC

(It is permitted to the aforesaid Captain to pass in his vessel "Le Philippe" the one hundred and forty-eight persons named on the present list, on condition that he will observe the ordinances of the King. Done at La Rochelle January 26, 1719.

HURLOT)

1719 III.

LE VAISSEAU LE ST. LOUIS
(THE VESSEL *THE ST. LOUIS*)

Rôle des personnes embarqués pour la Louisianne sur le vaisseau le St. Louis commandé par le sieur Du Coulombier party de la rade de la Palisse pour la dittee Colonie le 21 du mois de Mars de la presente année 1719.

(List of the persons embarked for Louisiana on the vessel *The St. Louis* commanded by the Sieur Du Coulombier left the roadstead of La Palisse for the said colony on the 21st of the month of March of the present year, 1719.)

CONCESSIONNAIRES
(CONCESSIONARIES OR GRANTEES)

Concession du Sr. Cantillon (Concession of the Sr. Cantillon)	hommes (men)	femmes et filles (women and girls)	Enfans (Children)	Nombre (Number)
La Sr. Cantillon	1	...	...	...
Pierre Ruau	1	...	...	...
Pierre Texier	1	...	...	...
Denys Souloone	1	...	...	...
Guillaume Leyne	1	...	...	...
Thomas Hussy	1	...	...	...
Jeanne Broat	..	1	...	...
Guillame Jordan	1	...	...	...
Jean Mathieu la Hosse	1	...	...	...
Jean Courcy	1	...	...	...

CONCESSIONNAIRES—Continued

Concession du Sr. Cantillon (Concession of the Sr. Cantillon)	hommes (men)	femmes et filles (women and girls)	Enfans (Children)	Nombre (Number)
Simon Courbier	1	...	...	...
Louis Courcel	1	...	...	...
Jean Cornelly	1	...	...	...
Anne Barault	..	1	...	...
Jean Owen	1	...	...	...
Jean Smith	1	...	...	...
	14	2	...	16
de l'autre part (listed above)	14	2	...	16
Jonathan Darby, commis (clerk)	1	...	...	...
Jean Darling, idem (ditto)	1	...	...	...
Robert Cook, Irlandois (Irishman)	1	...	...	...
Jean Bidet, Charon (wheelright)	1	...	...	...
Estienne Bonnet, Menuisier (joiner)	1	...	...	...
Jean Jullien, Boulanger (baker)	1	...	...	...
Elie Bertin, Boulanger et Cuis^{er} (baker and cook)	1	...	...	...
Nicolas Crozimier, Laboureur (laborer)	1	...	...	...
Michel Foret, Tonnelier (cooper)	1	...	...	...
Jacques Courtableau, idem (ditto)	1	...	...	...
Jacques Garant, Laboureur (laborer)	1	...	...	...
Charles Lesné, valet (valet)	1	...	...	...
Pierre Mongon, Raffineur (refiner)	1	...	...	...
Christophle Batteton, Mineur (miner)	1	...	...	...
Ollivier Paronneau, Maréchal (shoesmith)	1	...	...	...
Charles Dupain, Laboureur (laborer)	1	...	...	...
Honoré Rotureau, Meunier (miller)	1	...	...	...
Pierre Sebastien Lartout, Tailleur (tailor)	1	...	...	...
Jean Dessans, Perruquier (wig-maker)	1	...	...	...
Marie Bertin, Servante (serving-girl)	..	1	...	...
Jacques Autraseau, Charpentier (carpenter)	1	...	...	...

CONCESSIONNAIRES—Continued

	hommes (men)	femmes et filles (women and girls)	Enfans (Children)	Nombre (Number)
Concession du Sr. Cantillon (Concession of the Sr. Cantillon)				
Jean Rancon, Tailleur (tailor)	1	...	...	...
Jacques Barbier, Charpentier (carpenter)	1	...	...	...
Simon Le Gas, Laboureur (laborer)	1	...	...	...
	37	3	...	40
de l'autre part (listed above)	37	3	...	40
Concession de François Caussepain (Concession of Francois Caussepain)				
François Caussepain	1	...	...	...
Charlotte Vendul, sa femme (his wife)	..	1	...	...
Pierre Caussepain	1	...	...	...
Marie Caussepain	..	1	...	...
Madelaine Fontaine, servante (serving-girl)	..	1	...	...
Passagers particuliers (Private Passengers)				
Madame Couturier	..	1	...	...
Marie Martin sa servante (her serving-girl)	..	1	...	...
Troupes (Troops)				
Cadets (cadets)				
Vincent Michel Rousselet	1	...	...	...
Joseph Rousselet	1	...	...	...
Sergents (Sergeants)				
Du Rouvroy	1	...	...	...
Soldats (Soldiers)				
Simon Le Gendre	1	...	...	...
Andre Jonneau	1	...	...	...
Simon Fouguet de Bellecourt.....	1	...	...	...
Jean Micheau	1	...	...	...
Philippe Fouguerolle	1	...	...	...
sa femme (his wife)	..	1	...	...
Jean Hubert	1	...	...	...

CONCESSIONNAIRES—Continued

	hommes (men)	femmes et filles (women and girls)	Enfans (Children)	Nombre (Number)
Concession du Sr. Cantillon (Concession of the Sr. Cantillon)				
Exilez par lettre de Cachet (Exiled by letters-de-cachet)				
Le St. Ballay, chirurgien (surgeon)	1	...	...	...
Déserteurs et autres gens envoyez par ordre de la Cour (Deserters and other persons sent by order of the Court)				
Albert dit Rencontre (called Rencontre)	1	...	...	...
Paul Andre dit la Soye (called la Soye)	1	...	...	...
Pierre Fresines dit Chateauneuf (called Chateauneuf)	1	...	...	...
Picard	1	...	...	...
Jean Bary dit laGrandeur (called laGrandeur)	1	...	...	...
	54	9	...	63
de l'autre part (listed above)	54	9	...	63
Pierre Camusat dit Champagne (called Champagne)	1	...	...	...
François Poupart dit Rencontre (called Rencontre)	1	...	...	...
Charles Areus dit Beausoleil (called Beausoleil)	1	...	...	...
Jean Louis Achard dt. St. Paul (called St. Paul)	1	...	...	...
Joseph Pomart dt. St. Laurent (called St. Laurent)	1	...	...	...
Joseph Jouvens dt. St. Joseph (called St. Joseph)	1	...	...	...
François Catinois	1	...	...	...
Claude Nicolas	1	...	...	...
Jean Baptiste Eurard	1	...	...	...
Lavigne	1	...	...	...
Tranche Montagne	1	...	...	...
Primptems	1	...	...	...
La Navette	1	...	...	...
	67	9	...	76

Je soussigné Directeur de la Compagnie d'Occident certiffie le présent Rôle véritable pour le nombre de soixante-seize personnes embarquées sur le vaisseau le St. Louis pour la Louisianne sous le commandement du Sr. Du Coulombier à la Rochelle le 17 Mars 1719

LESTOBEC

Il est permis au susdit Capitaine de passer dans son vaisseau Le St. Louis les soixante-seize personnes dénommées dans le present Rolle aux conditions qu'il observera les ordonnances du Roy.
Fait a la Rochelle les jour et an que dessue

HURLOT

(I the undersigned director of the Company of the West certify the present list true for the number of seventy-six persons embarked on the vessel *The St. Louis* for Louisiana under the command of the Seigneur du Coulombier at La Rochelle March 17, 1719.)

LESTOBEC

(It is permitted to the aforesaid Captain to pass in his vessel *The St. Louis* the seventy-six named in the present Roll on condition that he will observe the ordinances of the King.
Done at La Rochelle the same year and day as above.)

HURLOT

(To be Continued)

DUFOUR'S LOCAL SKETCHES, 1847*

("*Esquisses Locales par Un Inconnu*")

Translated under the editorial supervision of

ROBERT WILLIAM COLOMB

Secretary Louisiana Historical Society and member Editorial Advisory Board, Louisiana Historical Quarterly

(CONTINUED FROM OCTOBER, 1931, QUARTERLY)

FOURTH INSTALLMENT

XXXI

CHARLES BAYON

(*Courrier*, February 22, 1847)

Translation by HENRY GASSIE

I have hesitated for a long time before invading the dangerous domain of writers. You can easily guess the reason for my prudence. However, that which is deferred is not always lost, and, as you see, the adage is true.

You will understand, sir, that there are two men whom I could not permit myself to sketch. Those two men are you and myself. It is regrettable, I know it, but impartiality and good taste shall gain considerably thereby. As to your brother, that

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* "Time consecrates;
And what is grey with age becomes religion."—*Coleridge.*

These pen pictures were drawn 85 years ago. We will bring back the days, and prolong them by some strange rejuvenating ray. Our to-days and yesterdays, are the blocks with which we build. Alas! how much less delightful it is to live with those that survive, than it is to cherish a recollection.

"Nothing that is shall perish utterly,
But perish only to revive again
In other forms, as clouds restore rain
The exhalations of the land and sea.
Men build their houses from the masonry of ruined tombs; the
passion and the pain
Of hearts, that long have ceased to beat, remain
To throb in hearts that are, or are to be.
So from old chronicles, where sleep in dust
Names that once filled the world with trumpet tones,
I build this verse; and flowers of song have thrust
Their roots among loose disjointed stones,
Which to this end I fashion as I must.
Quickened are they that touch the Prophet's bones."—*Longfellow.*

R. W. C.

is a different matter, and so I begin with him. He is a journalist, all the more reason. Let militant literature come first.

Mr. Bayon has grown old under harness; he has broken lances and crossed pens with the most valued heroes of our journalism. As you see, he is by no means a novice. Though he may not possess every resource of his art, he nevertheless knows all its detours. To see him from one polemic plunge into another, one might suppose that he was being pursued continuously by some adversary. Not at all. It is almost always he who casts the glove. One can say nothing of doubtful import but that he immediately takes it up. Whenever anyone tackles him, it does not take him long to sharpen his pen; that, probably, is the reason why he never sharpens it very daintily. Self confident, bold, he delights in passages at arms, and, once engaged, his stubbornness is such that it is almost always he who has the last word. We no longer have any Achilles[1] in this age, consequently Mr. Bayon is not invincible, but the tone with which he knows how to put an end to a controversy, gives him, on occasion, an invincible air. I have often caught myself laughing good-heartedly at the indefatigible insistence with which he attacks the same subject, to the point where his adversary is brought to bay. His blows are rarely heavy and not always exact, but once his mind is set on any subject, he returns to it unceasingly and with passionate perserverance. Those tactics are calculated to overcome the strongest men. His manner of sustaining the struggle is not brilliant, but he maintains himself in it with courageous tenacity. He has a thousand expressions for the same thought, and at least a hundred words for one idea at most. And there you have one of those literary gymnastics of which, in all humility, I acknowledge myself incapable. Anywhere else, all the thongs of Nemesis[2] in fury would be found insufficient for the flagellation of that style of literature; but here, where the writer is riveted to a daily journalism, where he must each morning roll his rock again to the mountain top, evidently, it becomes the fullness of art. To every lord every honor. The ancient tortures

[1] *Achilles.* The Iliad opens with an account of the wrath of this great Greek hero—"ruinous wrath, which, laid unnumbered woes on the Grecians." According to the early myth-writers Achilles had been dipped by his mother in the Styx, which made invulnerable every part of his body except his heel, by which she held him. He received his death wound made by an arrow in the heel.—R. W. C.

[2] *Nemesis.* In Greek mythology, the goddess of vengeance, who represented the just anger of the gods. Today, the word means retribution or retributive justice, an exact distribution to every man according to his deserts.—R. W. C.

of Sisyphus[3] in no way surpass those of our journalists. One must say, however, that Mr. Bayon's aptitude for grasping all questions and his great facility for work must have rendered his career less thorny than it would to many others.

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XXXII

JULES MAGNE[4]

(*Courrier*, March 29, 1847)

Translation by RAYNE, LA., HIGH SCHOOL

This journalist has been absent for almost a year. His friends who understand all the gentleness of his character, all the loyalty of his heart, all the engaging kindness of his intellect, have good reason to complain of so lengthy an absence. Before taking up the profession of journalism, M. Magne tried his hand as a dealer in wines. If the wines which he then sold were not more exhilarating than the articles which he now writes, I can easily understand that he did not make a fortune at it. In respect to style, on the other hand, one is not more obliging. The clear water of journalism is thus a progress. It is possible to be a very estimable journalist without necessarily being eloquent and witty, just as it is possible to be a useful lawyer with very little knowledge and even less intelligence. Examples are not lacking for the support of this paradoxical truth. I hasten to add, nevertheless, of M. Magne, that there is a side of his character which is sound and of true worth and which he has succeeded in turning to the profit of his paper. His judgment is excellent, his tact perfect, his taste irreproachable. When he praises, his praise is reserved; when he criticizes, his criticism is indulgent. If he were less kind

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[3] *Sisyphus.* A mythical king of Corinth, in ancient Greece. He was one of the most crafty of men, and his schemes puzzled even the Gods. Pluto condemned him to the task of rolling up a high hill a large stone that ever rolled down again.—R. W. C.

[4] There is in the library of the Society, a book in manuscript form "Notes et Documents Historiques" signed J. Magne, Nouvelle Orléans, le 2 Mai, 1845. This book is the property of the organization and is extensively quoted. Mr. Fortier in his four-book History of Louisiana, makes frequent reference to it. Miss Grace King says (Biographical Introduction to the Hansell edition of Gayarré's History) that the volume "Notes et Documents" was prepared by Felix Magne, in Paris, an amanuensis employed by Gayarré to assist him in his labors.

Magne and Weisse, proprietors and editors of *L'Abeille*, (*the Bee*) published the History of Louisiana by Mr. Gayarré in 1846 and 1847. (*La. Hist. Qrtly.*, Vol. 12, p. 12.)

I dare say he would be more wise. He is not a man to reveal the secrets of politics. You know the proverb "He who does no evil, thinks no evil." Such, I believe, is his case. He does not like a controversy; nevertheless he does not ignore them when they arise. Like all colorful natures he enters any struggle without hesitation but he is not guilty of obstinacy. He is of too well balanced a nature to make of firmness a fault. His political opinions have always reflected the constant moderation of his character. Always after the turmoil of election he who regretfully watches his paper become a herald of advanced views hastens to bring it again into quieter channels and to express the desire that it be regarded hereafter as a family paper. This wish sums up the entire character of the man.

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XXXIII

PAUL ARPIN[5]

(*Courrier*, March 22, 1847)

Translation by R. J. USHER

I remember very well, the début of Mr. Arpin in our literary world. He arrived with a reputation already made, and with his blade drawn from its scabbard. At that time a crowd of young literary men was flowering in the sunshine of publicity. Much nonsense was in the air, as you can well believe, the journals were filled with literary effusions. This situation lent itself most agreeably to the critic, and the practised eye of Mr. Arpin was not long in discovering that here was a situation exactly to his liking. The task put him in fine fettle for ridicule; he amassed an arsenal of stinging darts and launched them with such deadly skill that his success was never for a moment in doubt.

Mr. Arpin is at once an educator and a journalist. The high qualities which one mentally associates with the thought of a teacher makes Mr. Arpin's position as a journalist perhaps a little difficult. If his discussions are not couched in the words of the statesman or lawyer, if he is not carried to the heights of lofty journalism, the public is likely to regard him as a

[5] Paul Arpin was a journalist, born in France in 1811, died in New York city May 18, 1865. He was the oldest French journalist in the United States. For many years he edited the *New Orleans Bee*. After that he took charge of the New York *Courrier des Etats Unis*.

failure. There is the inconvenience of playing a double kingly role. Mr. Arpin, however, does not seem to be too much concerned, nor to be taking great pains to reconcile these varying opinions of himself. He is content to write charmingly in a simple and natural manner. He excels ordinarily in developing a theme without going to the trouble of fathoming its depths. He has all the clarity of a guide; it would seem that he does not much care to be known as a controversialist. However, whether consciously or not, he launches from time to time choice articles which return like an echo revealing reality.

He cheerfully goes into combat as did the Parthians,[6] he shoots his arrow and goes his way. I believe him rather inclined to criticize and that his fault finding leads to some acrimony. His theatre reviews, in the days he made them, were filled with just appreciations, interesting points of view, and with delicately ironic phrases. He explained, he narrated, he talked—always with clearness. His style often lacks vivacity. He does not dilute nor unduly string out his facts; he uses no claptrap. Everything is in sober earnest even at times to a fault. He has the style of those men of regular habits who are always correct, irreproachable in dress, faultless in taste, of rigorous purity of speech, who never vary the uniformity of their lives except by plays of wit. I do not need to tell you that these plays are always innocent in character. But do not ask that these great souls shall be moved by the noise of the passing torrent, or the unleashed storm; do not expect that they will boldly face the dangerous shoals of life or the unconquerable human spirit—it is rare that so much reserve appeals to these brilliant emancipated spirits.

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XXXIV

MR. JAMES FOULHOUZE

(*Courrier*, March 29, 1847)

Translation by HANSON MEMORIAL HIGH SCHOOL, Franklin, La.

Mr. Foulhouze is now a lawyer, that is, he has a lawyer's diploma; that is not exactly the same thing, but I surrender to custom. Besides, Mr. Foulhouze has been, if I am not mis-

[6] The Parthians were extremely brave, and were noted for their method of fighting on horseback with bow and arrow.

taken, the editor of "Le Penseur", (The Thinker), that is a title that posts a man forever! Don't be too quickly afraid of it; he did not understand that title in the same way as you and I. He was taking it easy, I assure you. He was carrying it as lightly as you carry your name of "Courrier". "Le Penseur" was satisfied to think once in a while, as the rest of poor humanity; he was dreaming sometimes, often squabbling. It was really surprising to see with what liveliness that philosopher would come out of the depth of his own thought to draw his sword and fight right and left. His style, however, did not show the turn of his mind. He was always a little dull, without manners, without color, although rude, threatening, aggressive. The writer, seldom rising above the common level; his bits of eloquence were showing more work than inspiration. Always correct, seldom elegant, energetic at will, he kept his ground with honor. But he always lacked that dash, that ardor, that pluck that carries off the situation.

The conversation of Mr. Foulhouze is often witty, his pen seldom. The great vivacity of his mind amply makes up for the heaviness of his diction. He is interesting and likes to be interesting. His success would be often complete if tact was not such an essential quality. He has a vast knowledge, he uses and even abuses it. But what can you do? It is a common weakness. We excuse him willingly, because his learning is real, and makes of him a man as useful as agreeable.

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XXXV

FREDERIC GAILLARDET[1]

(*Courrier*, March 29, 1847)

Translation by LEILA FERGUSON, Newcomb College

If I consider my title in the true sense of the word, the name of M. Gaillardet belongs neither directly nor indirectly to the *"Esquisses locales."* However, we can hardly overlook

[1] In the year 1838, Mr. Gaillardet acquired the ownership and direction of *Le Courrier des Etats Unis*, a daily, Sunday, and weekly, political and literary publication of New York City, printed in the French language. It was founded in 1828. Mr. Gaillardet was a collaborator of Alexandre Dumas, and a talented writer. He remained at the head of the paper during a period of 9 years. He retired in 1848, and removed to France, but continued his relations with the *Courrier des Etats Unis*, with which he maintained a highly prized correspondence. Courtesy of the *Courrier des Etats Unis*, letter 10-6-31. See also Dictionary of American Biography, Vol. 7, verbo Gaillardet.

the active role which he plays among us. Even though I am almost certain that his offices are somewhere on Broadway, I could almost believe at times that this journalist is in our midst. He will probably owe the finest pearl of his future fortune to his numerous Louisiana subscribers. I see his newspaper everywhere. He has friends here, enemies there, readers in the city and in the country, admirers who sometimes praise him too highly, censors who certainly place him too low. You know, sir, that this New York editor is in New Orleans as often as anyone of us; I meet him everywhere; we must judge him accordingly.

M. Gaillardet is an old acquaintance. He came to us directly from Paris several years ago. At that time even his most daring aspirations probably did not anticipate the brilliant position that he occupies to-day. He came to try his luck in business after having tested his skill as a dramatist. Certainly an innocent stock of novelties, plus an intelligent man to sell it, did not tend much to evil doing. But it seems that tact is infinitely more rare and, above all, more useful than intelligence. M. Gaillardet made his first appearance by an announcement so novel, so comical, so quackish, that the entire city burst into laughter. It was the laughing stock of the day and there are those who recall it yet with amusement. Evidently the merchant had chosen the wrong course. The man of letters soon saw that a trade in powders, pomades and trinkets was not suited to him. He left that pursuit none the worse off, looked about for a field with which he was better acquainted, and there he is today at the height of his fame. However, there is still something of the retailer and speculator in this brilliant journalist. He extols his paper, he glorifies his enterprises, he describes his Paris house as the best possible house, and does all this with an ease and naturalness which causes one to doubt the existence of honor. His methods are well chosen to offend men of a sensitive and excitable disposition. They shock those who have accustomed themselves to a code of decency. One sees with regret his talent coupled with charlatanry; all the art, all the skill, all the interest that M. Gaillardet knows how to give his paper is necessary to save it in its unfortunate days.

His pen is like a keen blade. He holds it firmly and handles it with skill. The writer is not eloquent; he is rather

a good logician, a journalist of resource. He is a man of an unusual merit which adapts itself marvelously to the needs of journalism. He knows how to write of nearly everything; sometimes superficially, sometimes profoundly, but nearly always sensibly. His style has not that changing warmth which captivates, that superficial opulence which disguises the composition of the sentence. One cannot however, deny him color, vigor, and strength. It is in his replies, above all, that the journalist triumphs. His repartee is quick and keen; his ability to return the ball makes of him a formidable adversary. When his readers see him attacked they rub their hands with satisfaction, enjoying the lively answer which will come. The paper thus becomes a wild boar whose tusks do not spare any one of those who pursue him. In these struggles where it fights to such great advantage the public sympathy is rarely on the side of M. Gaillardet. His character, generally critical, his fatal tendency to always compare American things to European, and to humiliate the men around him for the benefit of his national pride, are little fashioned for enlisting affection. In spite of his select qualities he does not always speak wittingly. He cannot discuss some of our questions without abusing us. He seems not to suspect that there is a point where candor and independence take obnoxious forms, and that presumption is a fault seldom admired.

For the rest, be it worth what it may, what I say about him is only in passing. It is a shadow which I mention because it stands in the way of a great talent. There are men who, without being the friends of the happy or the strong, commend every success which comes from intelligence, I am one of those.

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XXXVI

THE ABBÉ PERCHÉ

(*Courrier*, March 29, April 3, 1847)

Translation by PAUL VILLERÉ

There are in this ecclesiastic, two sides, so distinct, in such sharp contrast, one with the other, that there seem to be two rival spirits continuously present. Here, is the man of journalism and there, the man of the pulpit. Perhaps you do

not see there any incompatibility; neither do I see any. But I have forgotten what school of philosophers assert that there is no matter without some form, and I am somewhat of their opinion. Well, with the Abbé Perché, the religious writer has his form, and the sacred orator his own also. I assure you there are days when one contrasts singularly with the other. The impetuous writer has often the aspect of the pagan satirist, the sharp orator never takes off the cap of the preacher. The pen of one easily becomes acrimonious, the voice of the other climbs upwards always, to the far regions of theology. Whenever the occasion presents itself, he fortifies himself with all the boldness of style; but he lacks essentially of this divine daring of reason, which is suitable to the priest of the nineteenth century. There lies probably the secret of the deplorable sterility, which seems to strike so much intelligence, so much talent, so much learning.

Father Perché has not justified the title which he gave to his journal. The *Catholic Propagator* is dry, dogmatic, rather made for seminarists than for people of the world. One must be gifted with a copious share of religious inclination in order to read it with close attention. You can understand that in this way, the *Propagator* can never become a successful missionary. One would think that it scorns the variety which is sought by the instincts in our century and which has become the great art of modern journalism. It seems to me that it should not be disallowed to a religious journal, to aspire to this mellowness and to this easy fulness of style, which were not condemned by the fathers of the church, and which are like the powder of gold, sprinkled upon the austerities of the eternal law.

The writer does not change his method except when he is irritated. Then he rushes out of his monotonous circle, in order to settle the accounts with his enemy. The doctor leaves the Sorbonne in order to train the artillery of his arsenal and to fire all of his guns. The eagerness which he displays would make one swear that no where else does he feel so well at home. He loves a fight as a fish loves water. His pen, erstwhile, so accustomed to routine, so languid of style transforms itself in the twinkling of an eye; it becomes incisive, scintillating and terrible. It is claimed that it is impossible to say what may mean the contents of a bottle of ink. I am very

sure that those who rubbed the Abbé Perché the wrong way, could tell us very easily what there is in his inkstand. Touch me who dares, that is the word. His bantering is extremely amusing; his satire is terribly biting; his epigrams are delicate, airy and of a cruel precision; his irony leaps in one bound to bitterness.

All of this assuredly is intelligence of the highest order; however malice, which is but a worldly seasoning, is an alloy here. It would seem that a defense, witty, refined, jesting at times, but always shielding with the sublime mantle of indulgence, would be infinitely more in conformity with the evangelical doctrines. The old English laws did not permit the man assailed to do more harm to his adversary than was necessary to save himself. You will admit these divine footprints of wisdom are being erased little by little from all our institutions.

However, one must be fair. There are some men who can never do things halfway. That is probably the case with the Abbé Perché. Those who know him personally talk of him in the most flattering manner. His conversation is vivacious, animated, picturesque; his repartees are as brilliant as ever. It is truly regrettable that he is not more widely known.

In the pulpit, the orator speaks too much as a theologian. He discourses more than he teaches; it is always argumentative and rarely eloquent. The infinite mysteries of the universe reveal themselves to the soul at the same time that they humiliate the intellect, and although faith has often need of reason, its strength is the result of the indestructible blending of sentiment with reason. The preacher who neglects sentiment, cannot be a great apostle. The Abbé Perché does not touch, move one, does not carry one away. I doubt that he tries to persuade, because in that case it would be necessary for him to win the heart as well as the head. He seems to have only one goal; it is to win his point in a triumphant manner. He wants to convince. Here his talent shines brilliantly. He develops his thesis with admirable lucidity. His speech is facile, sober, concise; his logic is sound and flawless as a sword. The common herd will never pause to listen to this orator, sober of gesture, slow of speech, and of an argumentative phraseology. There is too much of the scholar in his oratorical manner; the therefores, the thereupons, and the consequentlys, are fearsome. He has none of these emotions which captivate even

the most indifferent. There is need for him of a high-classed audience, in order to appreciate all the depth of his knowledge, all the heights of his aspirations.

Whenever an attentive intellect, enters into the current of his thought, endeavors to follow his luminous reasonings, he cannot refuse to recognize that he is in the presence of one of eminent worth. And if one is found to confess that his is not a popular talent, still one must render just homage to a veritably superior man.

* * * *

XXXVII

CHARLES GAYARRÉ[8]

Translation by EDMOND J. LeBRETON

In every age history has dominated literature. There is hardly a century which has not accorded it the place of honor. Formerly its brightest pages were materialized in monuments; it would seem as though antiquity wished to entrust its splendors only to brass. Although today it is written neither on

[8] Charles Etienne Arthur Gayarré, lawyer, legislator, historian, novelist, 1805-1895. He was born in New Orleans, January 9, 1805. He was of distinguished Spanish and French ancestry. He was the son of Carlos Gayarré, who married the youngest daughter of Etienne de Boré (q. v.). In 1825 he graduated from the College of Orleans with the highest distinction. Admitted to the Pennsylvania bar in 1828, and in Louisiana in 1829. Elected to the state legislature in 1830, 1844, and 1846. Upon the expiration of his first term he was appointed Attorney General. In 1833 he was made presiding judge of the city court of New Orleans. On January 12, 1835, when only three days beyond the required age limit, (Const. 1812, Art. 1, sec. 3) he was elected to the United States Senate, but on account of ill health did not take his seat. He went to Europe at about this time, and while there, secured copies of important documents bearing on the history of Louisiana. The Legislature appropriated $1000 for the purchase of two large volumes of documents now heirlooms of the Louisiana Historical Society, which he was instrumental in reviving, and of which he became president. (Gayarré to Howe, May 13, 1888, La. Hist. Qy., Vol. 12, No. 1, p. 30). In 1846, he was appointed Secretary of State; at that time, a most laborious and important office.

In 1846, and 1847, his "Histoire de la Louisiane", was published by Magne and Weisse, proprietors and editors of *L'Abeille (the Bee)*. It had been begun in France, and was originally written in French in order to preserve the exact text of the official documents. In 1847, the Legislature appropriated $2000, for the purchase of Spanish documents; and in 1854, the Spanish Domination was published.

The American Domination, appeared in 1866. Mr. Gayarré has been called the "Historian of Louisiana." He gave the better part of his life to that labor, and his historical work will stand as a more enduring monument than any that could be erected of brick or stone.

> "Gayarré was an asset in the life of Louisiana. His early apprenticeship to Martin, our first historian, left no mark on his style or matter, but his own History of Louisiana influenced the next generation of writers in a very remarkable way. No historian can rewrite the story of Louisiana without turning to Gayarré." (Dart, Autobiography of Chas. Gayarré, La. Hist. Qy., 12; p. 7). The last official position which he occupied was that of State Supreme Court Reporter, 1873-77. (Dart, Centenary, Sup. Ct. of La., La. Hist. Qy., 4; 57).

To Gayarré, American literature is indebted for many contributions. Doctor Bluff, or the American Doctor in Russia; The History of Philip the Second of Spain;

marble nor on bronze, it remains still the imperishable expression of the life of peoples, and retains its eternal right of precedence.[9]

It is not my habit to injure rights so irrevocably acquired, nor to disparage traditions so respectable. Nor especially on this occasion would I default; I let myself drift so much the more willingly because I realize that the current bears me towards a man of high company. I will take care nevertheless not to pronounce my last word upon the *Nouvelle Histoire de la Louisiane* (*New History of Louisiana*); the historian has not yet said his own. However one can, forthwith, say something of it without risk of being unjust.

If history were, without dispute, as M. Gayarré seems to have conceived it, we should now have two volumes of almost perfect history. The style is consistently clear, so modestly simple, that one would say at times that he avoids elegance as he would a reef; the dates are drawn up with rare precision, and the events are developed with faithful impartiality. Everything is stated succinctly, with moderation, with taste, with sincerity. I admit that these qualities have their value, and that the work which possesses them will endure always.

But history exacts more than that, and the author has not the right to exempt himself from the responsibility of his task. Evidently M. Gayarré has wished to efface himself; however, he has not been able to do so without leaving profound traces of this preoccupation. It was a weakness so useless, that one hardly knows how to justify it. Without seeking to make of

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Fernando de Lemos, or Truth and Fiction; Aubert Dubayet, or the Two Sister Republics; A Historical Sketch of the Two Lafittes; A Louisiana Sugar Plantation of the Old Régime, An Essay in French on the History of Louisiana. These and many other valuable articles from his indefatigable pen, are listed in the Autobiography of Charles Gayarré, by Henry P. Dart, and Biographical Sketch of Charles Gayarré by a Louisianian (probably Mr. E. C. Wharton, a journalist in New Orleans, and close friend of Mr. Gayarré). "This very human document is not generally known even to collectors of Gayarreana." See La. Hist. Qy., 12, pp. 5-27, (1929). The Memorial on Gayarré by Miss Grace King, "will long remain one of the most touching and sympathetic appreciations of literature." (Introduction to second edition of the four volume History of Louisiana).

The Louisiana Historical Society in December, 1905, held a memorial service on the centennial year of his birth. The material there accumulated will be found in publications of the La. Hist. Soc., III, Part 4 (March, 1906).—R. W. C.

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[9] Mr. Henry Bordeaux of l'Académie francaise says—

It was the opinion of Mr. Brunetiere that the greatest insult which could be addressed to a historian was to refer to him as a novelist. But to call a novelist an historian, causes him to be puffed up with pride at the compliment.

Mr. Bordeaux criticizes severely the absurd errors spread by A. Dumas, V. Hugo in Marian Delorme, and A. de Vigny in Cinq-Mars.

The novelist he says, is the historian's aid; and history is the eldest sister of the novel.—(R. W. C.)

history a pamphleteer's pedestal, the historian can guide the reader through the labyrinth of his vast studies and help him to draw his conclusions. If one encounters at every moment documents which should be justificatory essays only, one must naturally regret that the place of philosophy should be invaded so completely by the elements of history. In this, the author secures for his religion as much as for that of others, an inviolable sanctuary. But how many advantages are uselessly sacrificed to this system. The austerities of history do not exclude the art of form; simplicity of execution should not weaken and enervate boldness of conception, and it is from their very alliance that is born that seductive fire which brightens so many modern pages. History is a high and courageous work; the historian must be a vigorous and powerful prosaist.

If it is true that each one of us has his good or evil star in the midst of the firmament, M. Gayarré cannot complain of his. Fortune has early smiled upon him. His political career has been until now remarkably happy. He is now Secretary of State. The short time which he has passed in the House has thrown in relief qualities outstanding and useful, if not so brilliant. His enlightened firmness, his sure intelligence, his rare spirit of conciliation, have won for him influence well-deserved. The politic reserve from which he reluctantly allows himself to be drawn, gives to most of his acts an appearance of wise slowness which must also be attributed in a measure to his need of work. One perceives immediately, that he lacks the power of extemporizing. Give him time to prepare, to co-ordinate his ideas, even to write them, and you will not have, perhaps, an eloquent and forceful speech; but, he will give you something good, in skillful form, in elegant language. It is a prudent talent which would lose itself probably in large spaces. M. Gayarré seems to know this perfectly, and this is not one of the least proofs of the sureness of his judgment.

I think that I can say that I have never seen his taste fail; his person bears throughout a stamp of distinction for which he seems to care greatly. He is essentially a man of the drawing-room; politics have not impaired this quality in the least. He converses better than he speaks; this is not a paradox, I assure you. One meets a large number of public men in whom it is easy to observe this phenomenon—speech

which is easy and brilliant in a group, often weakens and fails on the rostrum. M. Gayarré possesses the power of French conversation, vivid, subtle, colorful; but here as before, if one must believe hearsay, he never follows the impulses of the spirit into danger. Men of this nature rarely do harm; they always please; but they will never startle.

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XXXVIII

HENRY REMY[10]

(*Courrier,* April 10, 1847)

Translation by CONVENT OF MERCY, St. Martinville, La.

Mr. Remy has for a long time promised us a history of Louisiana. Public rumor goes so far as to say that the history is already completed. What obstacle, then, stands in the way of its publication? Might I not say to Mr. Remy that the public is, in regard to his history, like the audience that awaits a new drama? The reputation of the author tends but to sharpen the eagerness. His systematic genius, his incomparable patience, the great ease with which he works, are sure pledges of success. Add to that, grave loftiness of thought, a natural tendency to look back to the sources of things, to seek hidden causes, you will readily see that to him it will be easy to throw in with historic facts interesting observations worthy of history.

Those who have read a few passages from the work of Mr. Remy recognize there a forceful and colorful style. I congratulate him sincerely on that score. I must say, the witty dramatic works that he has written off and on were little calculated to reassure his friends on that point. We find there generally only the subtleties of art, a puzzling style, sentences weighted down by antitheses, strained comparisons, elaborately subtle reiterations. And still, in the midst of all that, there are so many spirited thoughts, so much that is highly intellectual, that it is impossible to reconcile oneself to the extravagant phantasmagoria with which the author surrounds his thought. There are temperaments in which sentiment is

[10] Henry Remy is the subject of a careful paper by Henry P. Dart entitled "Remy's Lost History of Louisiana," Louisiana Historical Quarterly, V, pp. 1-18, January, 1922. Remy has also received a careful study in Caulfield *The French Literature of Louisiana,* printed in 1929 by the Institute of French Studies, Columbia University, New York, and reviewed by Henry P. Dart in Louisiana Historical Quarterly, 13, pp. 484-5, July, 1930.

so profound that they are unable to approach any topic without their sentimentality's coming in to throw here and there some subtle and fantastic elaborations. Mr. Remy seems, in his lighter works, to give himself up entirely to the fantastic devices of Ossian's[11] style; sometimes he wanders out in mists so thick that it is impossible to follow him. Were it not for the few sparkling rays that heroically disengage themselves, we could never believe that it is a great mind that amuses itself thus with gathering so many mists, with heaping up so many clouds on its thought. I know him to be too resourceful and energetic to doubt that in following the serious ways of history, Mr. Remy has given to his style a new turn, more controlled, truer, on a level with his intelligence.

I told you elsewhere that there are men who are better in familiar converse than in formal discourse. Mr. Remy, on the contrary, excels in formal speaking rather than in informal chat. He keeps up a brilliant conversation; his broad knowledge, his deep studies, his extensive traveling experiences, add great interest to his easy and pithy talk. But chatting is a dialogue, and when Mr. Remy begins, he assumes the tone of discourse. Men accustomed to controversy, men of the pulpit, escape with difficulty this snare. There have been great orators who could not join in conversation without putting a stop to the general enthusiasm, without putting an end to the spontaneity of conversation.

At the bar, Mr. Remy always expresses himself well, correctly and elegantly. I assert authoritatively that the grestest critic sought in vain to detect a grammatical error in his speeches. I must add that his tone is rather singsong, a defect somewhat difficult to correct. His peculiar oratorical style is to some extent responsible for that—his sentences are long, flowing, figurative. That does not kill logic, thank God; Mr. Remy bears that out. I am astonished at this only—that his naturally quick reasoning should have accustomed itself to so slow a style of expression. If the esteem for lawyers were according to their ability, Mr. Remy's merits in that respect would insure for him legitimate success.

[11] A semi-fabulous Scottish bard and hero of the third century was said to be the son of Fingal, king of Morven. A pretended translation of his poems which was published by James Macpherson (a Scotch poet, 1738-96) gave rise to a spirited controversy concerning the genuineness of the productions.

(To be Continued)

LOUISIANA IN THE DISPUTED ELECTION OF 1876

By Fanny Z. Lovell Bone
(Mrs. Mugh McCreary Bone)
Crowley, La.

THIRD INSTALMENT

CHAPTER III—Continued

[168]APPENDIX C-2

Confidential Democratic Circular. Private Instructions to Parish Clubs. New Orleans *Republican*, August 5th, 1876.*

The following has been issued to the faithful by the Democratic State Committee:

Number 1. (Confidential) — Rooms, Democratic - Conservative State Central Committee, Room 1, Over Cotton Exchange, New Orleans.

Dear Sir:

In writing to you on the subject of the coming election, we are animated by the same earnest desire, which you no doubt feel, to wrest the government of the State from the hands of vandals who have for so long a time prostituted their usurped powers to strike down our liberties and destroy our prosperity. Every effort which we have made so far, to shake off this fearful burden of Radical rule, has failed. Another opportunity is offered us to rid ourselves of an evil which has become intolerable. To accomplish this object, all conservative citizens of this State should unite in solid compact body and not only use every effort themselves, but urge every one within range of their influence to an earnest, active participation in the coming campaign and to permit no local dissensions to distract them from the great work which is the redemption of our great State. All have an equal interest. All must contribute. This can only be effected by organization in each P a r i s h, so thorough and complete as to embrace every honest man. All must be made to understand that whosoever is not for us is against us; no neutrality when such vital interests are at stake; that responsibility of failure will rest upon those who are idle, discontented or captious. Individual ambitions, personal aspirations, unworthy prejudices must be laid aside, so that, moved by a common patriotic impulse, all may be united for the common good. As the central organization of the State, and upon which the people have conferred all the power we

*Also taken from p. 37. Senate Executive Document, No. 2, 2nd Session 44th Congress. Read in the Senate, December 6, 1876.

possess, we desire to propose for consideration of yourself and Democratic - Conservative citizens of your Parish, the character and working of such organizations as we think can be made effectual to achieve victory in the coming canvass.

1. We suggest that your Executive Committee divide the Parish into districts, to each of which shall be assigned a director or directors, whose duty it shall be to canvass the district and report to the Parish Committee the number and names of those who inhabit it, and political distinctions.

2. We recommend that in conversation with each other, no gloomy forebodings shall be indulged in and that the result of the coming election shall be spoken of as a foregone conclusion as we have the means of carrying the election and intend to use them. But be careful to say and do nothing that can be construed into a threat or intimidation. You cannot convince a negro's reason, but you can impress him by positive statements continually repeated.

3. We recommend that clubs should be formed in different sections of the Parish, of which there shall be frequent meetings and as often as may be convenient, a central meeting of all the clubs. That occasionally the ward clubs should form at their several places of meeting and proceed thence on horseback to a central rendevouz * * *

4. It is of last importance that every effort be made to prevent fraudulent registration and repeating on election day. To accomplish this object, gentlemen of known integrity should be assigned carefully and constantly to watch registration and to make affidavits concerning all irregularities and frauds. On the day of election several gentlemen should attend each polling precinct and at the close of the day, make sworn return of the result and forward the same to the State Central Committee to be used as a check against fraudulent returns. This, together with measures suggested in the first paragraph of this circular will to a great extent insure a fair election.

5. We recommend that the names of the officers of each club and the numerical strength of clubs be forwarded to this committee as soon as possible.

6. We recommend that on the day of the election, at each polling place, there shall be affidavits prepared to the effect that there has been no intimidation, and no disturbance on account of any effort by the Democratic - Conservative party to prevent any one from voting on account of "race, color, or previous condition of servitude." Should there be any disturbance, the affidavits, made subsequently thereto, should set forth its cause and origin.

7. We recommend that at every political meeting of the opposite party several gentlemen should be present and take notes of the proceedings and especially of any threats on their part against white people, or any appeal made to negroes

by any white man, of an incendiary character.

By adopting the preceding suggestions, our party will have a thorough organization, all members of which will be knit together for a common object and we will thus have a disciplined political body moving with fixed purpose over ground marked out and well known, to certain victory. There are some who will object to this plan as involving much trouble. But recollect our object is to wrest the government of the State of Louisiana from an alien band of robbers, and restore it once more to the hands of her own people; to cause intelligence and virtue to resume their proper functions and to eliminate from the body politic the effects produced by ignorance and vice. This committee pledges itself to an earnest, unselfish and patriotic co-operation with each and every Parish in the State to compass the great end. In conclusion, we suggest that at least two delegates from every Parish properly accredited by their respective Parish Committees should come to New Orleans and remain during the session of the Returning Board to aid, with their knowledge of facts, the State Central Committee in preventing fraudulent returns by that Board.

I. W. PATTON, *President.*
P. J. SULLIVAN. *Secretary.*

Number 2. The undersigned Parish Executive Committee have determined to inaugurate an active and aggressive campaign against our common foe, whose political course and personal spoliation have nearly ruined our Parish and beggared her real interests. We need moral support and money—we appeal for any amount, etc.

[173]APPENDIX C-3

Republican Circular Letter to Parish Supervisors of Registration. Minority Senate Report No. 701.

Headquarters, Republican Party of Louisiana. Room, Joint Committee on Canvassing and Registration. Mechanics Institute. Sept. 25th, 1876.

Supervisor of Registration,
Parish of Assumption, La.

Dear Sir.

It is well known to this Committee, that from an examination of the census of 1875, the Republican vote of your Parish is 2,200 and the Republican majority is 900.

You are expected to register and vote the full strength of the Republican party in your Parish. Your recognition by the next State administration will depend upon your doing your whole duty in the premises, and you will not be held to have done your full duty unless the Republican registration of your Parish reaches 2,200 and the Republican vote at least 2,100.

All local candidates and committees are directed to aid you to the utmost in obtaining the result, and every facility is and will be afforded you; but you must obtain results called for herein without fail. Once obtained, your recognition will be ample and generous.

Very respectfully, your obedient servant,

D. J. M. A. JEWETT,
Secretary.

The above is a sample of circular letters of the Secretary to all Parish Supervisors, with figures to suit each Parish.

[181]APPENDIX C-4

CAMPAIGN LYRICS

New Orleans *Republican*, July 29th, 1876:

For he that from the polls shall stay,
May live to vote some other day.
While he that at the polls is slain,
Can never cast his vote again.

A charge I have
My God to glorify,
Mr. Nigger going to vote with us
Or nigger going to die.

Louisiana *Democrat*, July 19th, 1876:

REFORM SONG.

We crave your condescension,
While we tell a thing or two
About the thieving Radicals
And what we mean to do.
Extravagance and corruption
Have ruled us long enough.
The people have taken the job in hand
And they mean to cut up rough.

Chorus:
Then come, boys, come,
Make haste to crowd the polls.
The tide of reform,
It rises and it rolls.
The thieves and the rogues
Will have to hunt their holes.
When we vote, vote, vote the Democrats in.

II.

With Belknap and with Babcock
This swindled land is done.
With greedy Grant and slippery Schenck
And robbing Robeson.
We've done with all the rascals
And all their wicked ways
And it's quite too thin to try to push in
With a man of straw or Hayes.

III.

We want to save the money
And pay the peoples' debt
And so bring green backs up to par
As good as gold you bet.
Extravagance and corruption.
We've taken by the throat
And the righteous cause of real reform
Will gain the country's vote.

IV.

We don't care much for the platforms
But show what we have done

And ask a chance to finish up
The work so well begun.
The rogues and thieves to punish,
To straighten every still
And send the bloody shirt to wash
And stop the outrage mill.

V.

We want to rout the rascals
And bring the country back
To justice and to honesty,
The Democratic track.
Thus shall the times grow better
And plenty shall return
And labor's wheels shall whirl again
And furnace fires shall burn!

New Orleans *Republican*, October 15th, 1876:

We have shot guns, riffles, pistols, knives, would arm a Modoc brave,
Bloodhounds with a heap of money when you want to track a slave.
Ropes to hang a Yankee school ma'am when she wont git up and git.
Won't you walk into my parlor, Mr. Nigger, just a bit?
Or I might, perhaps, persuade you with a double barrelled gun,
We can do your voting for you —as our interests are one;
And I'm sure you'll not insist, with a derringer in view.
That the cares of holding office are desirable for you.
Show conclusively to niggers that down South they have to cease
Holding offices and voting, if they want to live in peace.
If you've rights to keep we'll keep them, only stay where you belong,
Hoeing sugar cane and cotton— or you'll find your rights are wrong.

[197]APPENDIX C-5

THE DINKGRAVE ASSASSINATION

On Saturday morning at a Republican barbecue, four miles below Monroe, a dispute arose between a white and colored man, but was quieted. That night a number of whites, armed, patrolled until 11:00 p. m., the road below the place where the barbecue was held. Sunday and Monday passed off quietly. On Monday night, the houses of I. Garrett, Jr., nine miles below Monroe and of David Faulk, twelve miles below Monroe, were fired into— no one hurt. Tuesday, several white families were brought to town, and that night Sheriff Hamlet and Deputy Lewis, upon going to Logtown, twelve miles below Monroe, found everything quiet except that the colored people generally had abandoned their homes and were sleeping out. A party of armed, mounted white men went down there about an hour after Sheriff Hamlet's visit, and returned next morning—no harm. After a consultation of white and colored, the refugees went back home and apparent quiet was restored. B. H. Dinkgrave, Tax Collector of Ouachita Parish,

was assassinated Wednesday afternoon.[1]

About August 27th, a box of guns sent from New Orleans to Dr. Aby of Monroe, excited suspicion. A letter received in New Orleans August 31st from Mr. Dinkgrave said:

"The articles mentioned were received Saturday night and were sent yesterday into the country ten miles from here where they have a military organization. The colored people are alarmed, and with reason. I have just learned that terrible excitement is the consequence of those arms. The Democrats say that they can get out two thousand men in the Parish in twenty-four hours. The Rifle Clubs have been ordered out. I fear trouble.

(Signed) B. H. D."

The next day Dinkgrave was shot, and the suspicion is that he was the first victim of the rifles. (Dr. Aby was President of the Democratic Parish Committee in Ouachita.) On the day the rifles reached Monroe, well known Democrats feigning inebriation, invaded a colored Republican barbecue, and when remonstrated with by the colored managers, they reported in Monroe that they had been insulted, rallied thirty armed men, returned to the barbecue which had dispersed, and then patrolled the river all night. On Monday night after a report is alleged to have reached Monroe that the Faulk and Garrett houses had been fired into, an armed gang marched thither to redress the fictitious wrongs of those two Democrats. The colored people, men, women, children had abandoned their dwellings and fled to the woods.[2]

Democratic Companion Pieces[3]

From General Nicholl's campaign organ, August 30th, *The Democrat.*

"If it shall become necessary for our white fellow citizens to resort to desperate measures to protect their lives and properties, we hope they will act with coolness and judgment and go for the white rascals at the bottom of all this trouble. Let our friends hold deluded negroes guiltless, spare their lives if possible, and if they are forced to take life, let them deal with white villians who are, beyond question, urging negroes into these riotous acts."

Dispatch from Col. McCranie, Monroe, August 30th:

"Today, about 4:00 p. m., Dr. B. H. Dinkgrave, former sheriff and late tax collector of the Parish was killed while going to dinner at the residence of Chief Justice Ludeling where he was living . . . The assassin was an entire stranger to Dobson and to Dinkgrave. Throwing his gun to the right, he halted Dobson on the left, and pulled the trigger. Dinkgrave, who was trying to place his horse between himself and the man, re-

[1] New Orleans *Republican*, August 31, 1876.
[2] New Orleans *Republican*, Sept. 1, 1876.
[3] *Ibid.*, September 1, 1876.

ceived the contents of the gun in his left side just above the ribs, and fell at once. The man rode off in a slow walk for about forty steps, saw that Dinkgrave was mortally wounded, and hearing Dobson say "He is shot through," spurred his horse into a rapid gait and yelled "I am gone." He rode furiously up the road, reloading as he ran. He was dark complexioned, rather spare, very cool and resolute.

"At nine o'clock in the evening of August 28th, Dr. Dinkgrave noticing a man stitting by the road with a gun in his lap, went on up the road where he met some negroes who asked about the armed men in the vicinity. The man he had noticed soon passed, mounted. Dr. Dinkgrave went back to town for help. The next night he heard that the stranger had been seen again. On Wednesday, August 30th, the Doctor started for dinner." The Coroner's testimony follows:

"I was acquainted with Dr. Dinkgrave. When called to him yesterday afternoon at J. T. Ludeling's, I found him in a dying condition, no pulse, cold, pale, weak. He had been shot in the left side, and lung; his left arm was broken. Death was caused by a hemorrhage from a gun wound and shock. Dinkgrave was sound in body and health.

"S. C. MURPHY, M. D.,
"Coroner."

H. G. Dobson, sworn, says: "About 3:00 o'clock, yesterday, Dr. Dinkgrave rode by toward Ludeling's house, came back and asked me to go with him to see about a suspicious character up the road. We did. We saw a man mounted with a double barrelled gun pointed at me, who told me not to come nearer, and fired at Dinkgrave. I carried Dinkgrave into Ludeling's house. The man had false whiskers, and I do not know him."

The colored people have all left their homes, and are out in the fields. Mounted men are overrunning the Parish. It is openly said that all the negroes have to do to have peace, is to join the Democratic party.[4]

The mysterious horseman who shot Dinkgrave got away . . . it is only the nigger who killed a hog in the woods that can be caught and hung up. The *Times* chief regret at the Dinkgrave murder is that it was ill-timed and calculated to interfere with Democratic political purposes. There is sufficient cause to believe that Dr. Dinkgrave was murdered because he was a Republican . . . for several months he has been threatened and told that he would meet up with "blue ruin" if he did not stop promoting Republican organizations in the Parish. The *Times* says that Dr. Dinkgrave was killed by the brother of Wimberly whom Dinkgrave shot eight years ago. This is ridiculous; Wimberly's brother was a good friend of Dinkgrave.[5]

B. H. Dinkgrave was a nephew of Chief Justice Ludeling of Louisiana.

[4]New Orleans *Republican*, Sept. 5, 1876.
[5]New Orleans *Republican*, Sept. 2, 1876.

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PROCLAMATION

$5,000.00 REWARD

State of Louisiana,
Executive Department,
New Orleans,
December 7th, 1876.

A reward of $5,000.00 will be paid by the State of Louisiana for information leading to the arrest and conviction of the assassin who waylaid and killed Dr. Dinkgrave, Tax Collector of Ouachita Parish, at Monroe, on August 30th.

C. C. ANTOINE,
Lieut. Governor and
Acting Governor.[8]

[204]APPENDIX C-6

LETTER OF HON. CHARLES M. BARROW OF WEST FELICIANA

Bains, La.,
November 23rd, 1927.

Mrs. Hugh M. Bone,
Crowley, Louisiana.
Dear Mrs. Bone:

Your letter of Nov. 16th asking for information relative to the Presidential election of 1876 and happenings in the Felicianas is at hand.

I can't give you any information of that Presidential election, as it has been so long ago, but I will try to tell you of what happened in West Feliciana where I lived.

As you know, the whole State of Louisiana was under a Republican government and rule and all the parochial offices of this Parish were held by negroes, except the Clerk of Court, who was a white Republican. The vote of this Parish stood 1,600 Republicans and 400 Democrats, so you can well understand what little chance we had.

Our taxes amounted almost to confiscation and in many instances exceeded the revenues of the plantation.

A move had already been started throughout the State, to overthrow this Republican Government and in the winter of 1876, Mr. Thomas C. West, who belonged to the same company with me in Forrest's Cavalry and who was my mess-mate and bed fellow, sharing our blankets together for two and one-half years, decided that we would try to do something in this Parish.

We selected twelve men who could be depended upon to work with us and I was selected the Captain. Our first work was to have clubs organized throughout the Parish and try to get the negroes to join in with us.

Dr. Ryland had a club, Mr. J. B. McGee had a club and myself one. We held meetings every two weeks, at which speeches were made and everything done to show the negroes of their mistakes in going against us, who were their friends, and they gradually took a great deal of interest in these club meetings.

But the great influence used by the white Republican leaders here, kept a great many aloof, to do their dirty work. And this element had to be worked on, otherwise than through the clubs.

[8] *Ibid.*, Sept. 9, 1876.

Nothing intimidates a negro so much as mystery. And seeing armed men riding around at night through their quarters on the different plantations, set them to thinking.

The work of our little body was done altogether at night and we seldom spent a whole night in our bed. Occasionally there were a few necks broken and straps used among the worst.

I will give you a few illustrations of what their white leaders put them up to. Mr. W. D. Winter, a prominent lawyer here, was called out from his bed room by some one supposed to be his friend and killed. A Mr. Perkins, a store keeper, was shot from the dark.

I had a yard man who was a great thief and when I would catch him, the children would invariably beg him off. On Monday morning when he came to work, he said: "Mr. Charlie you have been very good to me and I have something to tell you but you must not give me away. Last Saturday night there was a meeting held in the pine thicket on the Flower Place (a mile from my house). It was agreed that Capt. John Barrow, your father, you and your whole family are to be killed. When you return next Sunday night from your father's you will be ambushed, as you come along where the old chimney stands. Next Saturday night we are to meet and everybody is to put in a dollar to buy ammunition."

I notified all of the neighbors and the officers of the U. S. Cavalry, stationed at Bayou Sara, and on the appointed Saturday night a crowd accompanied by these officers surrounded this thicket and advanced slowly on foot, but found nobody there. I suppose they had thought better of their project. But we went to the adjoining place where three of the leaders at this meeting lived, got them out and they told the same story that my man had given.

The other two leaders lived on my place, one in the quarters and the other in my yard, as he was the husband of my cook. These two were taken down where the crowd held the other three. One made a break to get away and was killed. On account of the U. S. Officers being present, the others were let off with a good strapping and ordered to leave the Parish at once, which they did.

This company of cavalry was sent here by the Republican Governor Kellogg, for the protection of the negroes, for we twelve men were making it pretty hot for the Republican leaders, both black and white. But fortunately for us, Capt. Bascomb from New York and Lieut. Lamar from Maryland were Democrats and gentlemen and they soon took sides with the people and were no trouble to us.

Right here I will cite a little incident of myself. As Captain of this squad and being always on the alert, I heard one Saturday morning that the head white Republican called "Big Man" was going up to the Blue Store in Pointe Coupee, on the boat and return that night on the down boat, so I thought now was my chance to get him, for he was a "sly fox" and seldom

came out of his den, where he was well guarded.

My wife had made me a pair of long whiskers out of her hair braids and being well disguised, I got on a mule that I had never ridden before and left home about sundown to go to Bayou Sara. I got along all right until I got to the railroad where there was a store where the gallery was even with the street. The old mule must have smelled something good inside for he made for the gallery and backed from one end to the other and I had great trouble in getting him started again, and being disguised, I felt that everybody knew me, but they didn't.

I got on down town and hitched my mule and walked up to the drug store where the proprietor was our detective. When I walked in who should be there but the two U. S. Officers and I naturally felt uneasy, but they said nothing and neither did I, but walked on through the store.

Later when I heard the boat blow, I went on down to the wharf and took my stand, but my man did not show up and I was again disappointed.

Things worked on as usual, we being always on the outlook until October. The State Republicans at New Orleans realizing that they could not carry this Parish, sent detectives up here several times to catch us but we always got notice from our man at the drug store and kept out of their way.

Finally three weeks before the election they made it so hot for us, that we took to the woods, being notified constantly from our friends. Finally it was agreed between our friends and these detectives in writing that we would come in and go to New Orleans with them if we would be allowed to give bond on reaching there. It was their intention to get us to New Orleans and put us in jail until after the election.

On reaching New Orleans early in the morning, we were met at the boat by a gang of hoodlums who marched along the streets with us saying all kinds of abusing remarks, until we got to the Custom House, where we were kept under guard for three or four hours, when bond was furnished for us and we left for home that evening by boat. We reached Bayou Sara the next morning, much to the astonishment of the Republican leaders.

Our arrest had spread through the Parish and had had a bad effect among the negroes. At my club meeting the following Saturday only half were present and I decided that something would have to be done at once.

The following Sunday night we were very busy, having worked on several leaders and the next day I was arrested, but I proved an alibi by my house servant, who swore that she knew I could not have been there, because I had gone to bed sick, at sundown and that she had given me a hot foot bath, which ended that charge. At the club meeting the next Saturday evening there was a full attendance.

All candidates for office at that time were nominated through a convention. And many

negro delegates were sent from the clubs, which pleased them very much. Mr. West was nominated for Sheriff and I for Clerk of Court.

Two nights before the election which was in November, 1876, we made a raid down through a section of the Parish where the negroes hadn't come into line as they should. Tom Rice, a leader among them and whom we were after, hearing the horses' hoofs, hid in the brake back of his house and killed Mr. West. He escaped then but was caught later and hung by the road side. A few days before that, while returning from the field, on my way to breakfast, I was shot at but not struck.

On the day of election there was a large Democratic majority. Captain John Barrow was substituted as Sheriff for Mr. West. The white Republicans moved elsewhere, some failing to leave their address.

After the election, the negroes realizing that they were among their true friends became reconciled and West Feliciana now boasts of having the best class of negroes in the State. You seldom meet one who doesn't touch his hat.

The little squad of twelve, feeling that they had accomplished their purpose and had done their duty, asked no further recompense, and have long since departed for the other world, leaving me alone to tell the tale, lots of which I have forgotten during this long space of fifty-one years.

The Republican majority in this Parish was always so large it was not necessary for them to resort to fraud in registering.

The name of "Bull Doozer" originated in this way: A negro was about to be punished for some offense. A Dutchman, who was a by-stander, remarked "Ee shudt haf a bull dussen," meaning he should have a dozen lashes with a bull whip. We were thereafterwards called "Bull Doozers."

Congress sent two committees from Washington to investigate the condition of affairs in West Feliciana and their report is in the Congressional Acts of 1876 in which my name is mentioned.*

One of the white Republican leaders, failing to get away in time, one day while walking up the streets in St. Francisville, must have stepped on a torpedo, judging from the holes in his body, but no one knows to this day how they got there.

If what I have written is of no value to you and not what you wished, consign it to the waste basket and I have no objections to your using my name. I wish you success with your thesis, and would like to read it when finished.

Very kindest regards, in which my wife joins me.

Yours truly,

CHARLES M. BARROW.

*House Report, No. 156.
Senate Report, No. 701.

CHAPTER IV.

THE DISPUTE

ON NOVEMBER 7TH, thirty-eight states participated in the presidential election, with a total of three hundred and sixty-nine electoral votes, one hundred and eighty-five of which were necessary to swing the election for either candidate. The Democrats began to claim the presidency as soon as the polls were closed; people generally retired that night assured of Tilden's success; on Wednesday, November 8th, nearly every newspaper announced a Democratic victory, and it seems a fair statement that at that time the opinion generally prevailed that Tilden and Hendricks had been elected. Tilden was believed to have carried the solid South, as well as the erstwhile doubtful states of New York, Indiana, New Jersey and Connecticut. This would have given him two hundred and three electoral votes, with one hundred and sixty-six for Hayes, but almost immediately the Republicans claimed South Carolina, Florida and Louisiana for Hayes. The count would then be one hundred and eighty-five for Hayes and one hundred and eighty-four for Tilden.

Early in the morning of November 8th, John S. Reid, news editor of the *New York Times*, hurried to the Republican headquarters to point out to William E. Chandler, a Republican National Committeeman, the possibilities of the situation.* These two men obtained from Zachariah Chandler, Chairman of the Republican National Committee, authority to continue the contest. While there was some difference of opinion as to the exact hour and day when Zach Chandler's telegram: "Rutherford B. Hayes has received 185 electoral votes, and is elected" was sent out,[219] most authorities give the hour as early in the morning, and the day as November 8th.

November 8th and 9th were days of great excitement throughout the nation, for it was generally believed that the nineteen electoral votes of South Carolina, Florida and Louisiana[211] would be the decisive factors in the election, and these

*NOTE BY ED. LA. HIST. QY.—See Dictionary of American Biography, III, pp. 616-618, or a sketch of his career.

[219]Rhodes, p. 292. (Footnote 2).
Haworth, Paul L. *The United States in Our Own Times*, p. 87. (Hereafter cited as Haworth).

[211]South Carolina, 7; Florida 4; Louisiana, 8.

votes supposedly safe for Tilden, were now claimed by the Hayes adherents. Tilden had undisputed one hundred and eighty-four; he needed only one of the doubtful electoral votes. Hayes had undisputed one hundred and sixty-six; it would require all the doubtful electoral votes to make him President.

It may be added that the face of the returns gave Tilden a popular majority of two hundred and twenty-five thousand and gave Florida and Louisiana to him, while South Carolina's vote seemed to belong honestly to Hayes. If Florida and Louisiana had been Northern states they would have been peaceably conceded to Tilden, his election would have been secured,[212] and the contest would have ceased forthwith; but the Republicans, relying on their control of the canvassing boards of these states, which under the carpet bag-negro regime had power to throw out votes on the ground of intimidation or fraud, pushed their claims to the electoral votes of Florida and Louisiana, and prepared to fight to the bitter end.

On November 10th, President Grant telegraphed General W. T. Sherman to instruct General Augur in Louisiana, and General Ruger in Florida to protect the legal boards of canvassers in the performance of their duties, and to insure a fair count. "No man worthy of the office of President should be willing to hold it if counted in or placed there by fraud. Either party can afford to be disappointed in the result. The country cannot afford to have the result tainted by the suspicion of illegal or false returns."[213]

From November 8th, 1876 to March 4th, 1877, the contest for the presidency was divided into two major phases:

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[212]Hayes 166 + 7 = 173.
Tilden 184 + 12 = 196.

[213]My authorities for this brief account of the early phases of the Hayes-Tilden disputes are:
Shippee, pp. 31-32.
Rhodes, VII, pp. 291-293.
Stanwood, pp. 380-381.
Haworth, pp. 86-87.
Bunning, pp. 309-311.
Elson, Henry William, *History of the United States*, V, pp. 35-36, (Hereafter cited as Elson).
Foreman, S E, *Our Republic*, pp. 564-565.
Burgess, John W., *Reconstruction and the Constitution*, p. 283. (Hereafter cited as Burgess).
McClure, A. K., *Our Presidents*, pp. 261-263. (Hereafter cited as McClure).
North American Review, April, 1878. *The Death Struggle of the Republican Party*, by George W. Julian.
Annual Cyclopaedia, 1876, p. 486.

I. The disputes in Florida, Louisiana, South Carolina and Oregon[214] over the election and certification of presidential electors.

II. The dispute in Congress over the method of counting electoral votes from states sending more than one set of returns.

In Louisiana the contest was divided into three distinct phases: (1) The dispute, November, December, 1876, over the election and certification of her presidential electors; (2) The political warfare, January-March, 1877, between the rival Republican and Democratic state administrations; (3) Her part in the congressional dispute.

LOUISIANA, NOVEMBER-DECEMBER, 1876

On November 10th, President Grant followed his previous telegram to General Sherman by a second message to the effect that General Augur be supplied with all troops necessary to the maintenance of peace in Louisiana. Events moved rapidly, and on November 11th, two delegations of nationally prominent citizens left their homes for New Orleans to watch proceedings there. One group was composed entirely of Republicans who had been invited by President Grant to go without delay to Louisiana;[215] the other group consisted entirely of Democrats who had been similarly summoned by Abram S. Hewitt, Chairman of the National Dedocratic Committee.[216] These groups are known as the "visiting statesmen."[217]

The visiting Democrats made fruitless efforts to secure a conference of the two delegations with a view to co-operation, for on November 19th, the Republicans answered the Democratic

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[214]Oregon sent to Congress two sets of returns; the contest hinging upon the eligibility of one of her electors. See Rhodes, VII, p. 303; Shippee, p. 32; Stanwood, p. 381.

[215]Republican "Visiting Statesmen": John Sherman, Stanley Matthews, Jas. A. Garfield, W. D. Kelly, John A. Kasson, Eugene Hale, Cortlandt Parker, M. S. Quay, Lew Wallace, John A. Logan, J. Irvin Ditty, John H. Shoenberger, W. M. Evarts, E. W. Stoughton, John A. Dix, Jas. H. Van Allan, Senator Edmunds, Benjamin Harrison, Thos Beaver, Hy. L. Stebbins, Governor Randolph and E. T. Noyes.

[216]Democratic "Visiting Statesmen": John M. Palmer, Lyman Trumbull, William R. Morrison, Samuel J. Randall, A. G. Curtin, J. E. McDonald, J. R. Doolittle, George W. Julian, Henry Watterson, W. G. Sumner, Wm. Bigler, M. D. Manson, Oswald Ottendorfer, George B. Smith, John Love, J. W. Stevenson, Henry D. McEnery, J. B. Stallo, Lewis V. Hogy, Jas. D. Broadhead, C. Gibson, John Lee Carroll and Wm. F. Hamilton.

[217]Rhodes, VII, p. 294.
New Orleans *Republican*, Nov. 11-12-15, 1876.

conciliatory letters with the ultimatum that they would meet as individuals, but that concerted action for the purpose of influencing the Returning Board was beyond their privilege.[218]

In the meantime the New Orleans *Republican*, the official organ of that party in Louisiana, had been flaunting headlines:

> "The Victory Is Ours;" "Steady;" "The Country Safe;" "Hayes and Wheeler Elected;" "Louisiana Undoubtedly Republican;" "Bulldozed Parishes Only Ones Casting Any Appreciable Democratic Vote;" "Violence and Intimidation Practiced";

and on November 11th, Wm. Pitt Kellogg had sent a confident dispatch North claiming a Republican victory on the ground of intimidation in the five bulldozed parishes.[219]

About November 10th, I. W. Patton appealed to Kellogg to have the Returning Board[220] remodeled so as to allay all suspicion,[221] but received no answer. He then appealed to the Returning Board itself, and likewise received no response. Repeated requests of the same nature from Democratic counsel and from individuals of that party were in vain; the Returning Board was not remodeled, and the vacancy caused by Arroyo's resignation was not filled.[222]

The Returning Board met at the State House on November 16th and proceeded to organize; Wells was made President of the Board, Chas. S. Abell was appointed Secretary, and William Green, colored, was selected Assistant Secretary.[223] The first

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[218]New Orleans *Republican*, Nov. 17-19, 1876.
Rhodes VII, p. 294.
Elson, p. 37.
Annual Cyclopaedia, 1876, p. 487.
Letter to the people of the United States, Dec. 1, 1876, signed Palmer, Trumbull, Bigler, Smith, Julian and Watson.

[219]West Feliciana, East Feliciana, East Baton Rouge, Morehouse and Ouachita.

[220]J. Madison Wells, Thos. C. Anderson, G. Casanave, Louis M. Kenner, the two latter negroes, all four Republicans. The Board should legally have consisted of five members, and each political party should have been represented.

[221]New Orleans *Republican*, Nov. 11, 1876.
Letter of I. W. Patton to Wm. P. Kellogg.
Annual Cyclopaedia, 1876, p. 488.

[222]Ante.

[223]New Orleans *Republican*, Nov. 17, 1876.

official document opened by Secretary Abell was a threat letter to the Returning Board from the United Brotherhood of Louisiana.[224]

The first few days of the Returning Board's sessions were consumed in wrangels and arguments between the Democratic and Republican counsel, between the Visiting Statesmen and Wells, between the Democratic counsel and the Returning Board. Five Visiting Statesmen from each side were invited by President Wells to attend the open meetings in the capacity of private citizens.[225] The rules of procedure, as finally adopted, pleased nobody but the members of the Returning Board; Number 7,[226] in particular, was considered obnoxious. Judge Spoffard, Democratic counsel, in his proffered amendment to the rules, said:

> "I implore you, then, to let the sunlight in; let it shine through all your doings . . . Thus and thus only, in my humble judgment, will it be possible for you to reassure a perturbed and anxious country, and to establish, through all generations, the righteousness of your interlocutory rulings and final award."

President Wells sounded the keynote of his Board's policy when he announced, "We cannot accept the gentleman's amendment to our rules."[227] Further protests as to the constitutionality of the Returning Board, as to its authority over the canvass of presidential electors, as to the eligibility of two Republican candidates for elector were similarly disregarded by Wells, and on November 20th the Board was ready to begin the canvass of the returns.

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[224]New Orleans *Republican*, Nov. 17, 1876. Returning Board. The first threat.

Madison Wells, Esq.,
c/o Wm. Pitt Kellogg,
Governor of Louisiana,
City.
Sir:

Resolved, That we take upon ourselves the duty of redeeming Louisiana our native state from the thieves and parisites now preying upon the prostrate bleeding body. We have appealed to our Northern brethren in vain we now propose to act in her behalf and teach her robbers and despoilers such a lesson as the world never saw. We warn you "dishonest trickster" that you are and your companions in sin the bastard Kenner, the negro thief Casanave and the unscrupulous villian Anderson that if you swindle us again your lives will pay the forfeit listen villian we are armed, organized and sworn to do our duty. The braggart Sheridan and his paid emissaries cannot save you or the corrupt men at your back our attack will be sudden and decisive we will do our work and disappear before the hordes of the despot Grant can protect you. You are warned, now beware.

UNITED BROTHERHOOD OF LA.

First official document opened by the Returning Board.

"Signed" CHAS. S. ABELL, Sec.

[225]New Orleans *Republican*, Nov. 18, 1876.
Annual Cyclopaedia, 1876, p. 488.

[226]Rule 7 provided for secret sessions of the Returning Board, if necessary.

[227]44th Cong. 2nd Sess. Sen. Ex. Doc. No. 2, p. 40.

Ascension, Assumption and Avoyelles were the first parishes crutinized, and as these returns bore no protest, they were sent o the inner room for tabulation by clerks. These three parishes ave the Republican electors a slight majority. Catahoula,[228] protested, was laid aside for future consideration, while Calcasieu and Cameron were sent to the clerks, with a Democratic majority. Parish after parish was called, protested, or sent to the clerks. Altercations and protests were frequent, so that by November 25th, the situation was tense; Wells and Zacharie, Democratic counsel, almost passed the lie to each other; a fight occurred in the outer room, Anderson was accused of dirty dealings, and the old question of filling the Arroyo vacancy was brought to the front once more.[229] The clerks of the Returning Board were all Republicans,[230] and this fact brought forth from the Democratic counsel a vigorous protest against the Board's practice of announcing only the electoral and gubernatorial votes of polls, and then sending the returns to the clerks for private compilation. Delayed returns complicated the situation. Wells was charged with negligence in not sending for the missing boxes, and was accused of allowing the Franklin package of votes to lie for ten days in the express office, because of seventy-five cents charges. Arbitrary rulings were the order of the day. The Returning Board sent for boxes from some parishes, and refused to send for boxes from other parishes.[231] Packages with broken seals, without seals, and without postmarks were admitted, while other packages were excluded because of broken seals, no seals, or no postmarks.[232]

By November 27th the canvass on the uncontested parishes was concluded, and then the returns from the protested parishes

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[228]The election law stipulated that returns from "no protest" parishes should be canvassed first, and that then the returns from protested parishes should be considered. All protests must be made in writing, signed by three or more persons, and must be attached to the returns sent by the Parish Supervisors of Registration to the Returning Board. Protests should be affidavits of riot, tumult, intimidation, bribery, etc., which materially affected the election, or affidavits of irregularities in the conduct of the election. If the Returning Board, after investigation, was convinced that said disturbances or irregularities did materially change the result of the election, the Board was to exclude from the canvass the statement of such polls. Digest of Statutes of La., A-H, 1870, Sec. 55.

[229]The Democrats urged the election of Dr. Kennedy to fill the vacancy on the Reeturning Board. President Wells stopped the reading of a protest from Louis Bush and said, "When we find it necessary to increase our force, we will let you know."

[230]Rhodes, VII, p. 296.
New Orleans *Republican*, Nov. 25, 1876.

[231]*Annual Cyclopaedia*, 1876, p. 489.
New Orleans *Republican*, Nov. 25, 1876.

[232]Minutes of the Returning Board's sessions.

were considered. Testimony[233] and arguments filled six days until, on December 2nd the[234] Returning Board went into secret session and stayed there until December 6th, when it rendered the decision: "Louisiana for Hayes; All Republican State Officers Elected."[235] On December 3rd, three days before the official canvass was completed, J. R. G. Pitkin, United States Marshal in New Orleans, telegraphed in cipher to Senator J. R. West in Washington:

> "Democratic boast entire fallacy. Have northern friends on way north. Answer telegram of this morning; also have Senate anticipate House on sending Committee

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[233]Taken from the minutes of the Returning Board:

Henry W. Burrel (colored), witness from Ouachita, testified to activities of armed military companies in that Parish; testified to violence used by these armed forces upon him to make him destroy 1400 Republican tickets; testified to terror among the blacks of Ouachita.

Eaton Logwood, witness from Ouachita, testified to night riding of bulldozers, to forced joining of Democratic clubs by negroes; to outrages committed by whites; testified that he was shot at by white men. "Every day the doctor runs a probe in me a foot deep," testified to terrorized negroes "sleeping out" in swamps and cane brakes.

Eliza Pinkston (See Footnote 202) testified that white men killed Henry Pinkston, killed her baby, and outraged her; she exposed her body to exhibit her wounds; she was most dramatic in the recital of her story.

Charles Tidwell, upon whose place the Pinkstons lived, testified that he had known Eliza Pinkston for eighteen or twenty years, that she was a bad character, that she was a notorious liar, that she had the reputation of having destroyed two of her own children; he added that Eliza Pinkston could not have been so seriously wounded for on Sunday after the brawl Saturday night, she was up and walked up and down the road three quarters of a mile; Mr. Tidwell testified that early Sunday morning Eliza Pinkston told him negroes had killed Henry, but that after dinner she said fifteen or twenty white men did the killing. Eliza Pinkston swore before Judge Quinn that Hugh Young and Joe Swan, white men from Ouachita, came to her boarding house, 292 Gravier St., and told her to be careful how she talked. (Hugh Young was one of the men she accused.)

Ben James, colored, from Ouachita, testified that when he was carrying election boxes to the polls twelve miles below Monroe, he was captured and shot at; testified that the roads to and from Monroe were picketed to keep negroes from going into Monroe to vote; testified to terror and fear among the negroes.

Brevet Lieutenant Colonel Hale, 16th U. S. Infantry testified that he had been stationed at Monroe, September 24th, 1876, to preserve peace, that negroes of the parish complained to him of being driven from their homes, of being threatened, of being whipped, of violence and intimidation; he testified that he believed the organizations of armed men did have a decided influence in preventing a free and fair election in Ouachita Parish on November 7th, 1876.

"Sample "Protest," taken from the New Orleans *Republican*, November 26th, 1876.

DeSoto:

During the whole period of registration and up the day of the election there existed such persistent and violent conditions of intimidation exercised by white Democratic citizens toward colored citizens of the parish, that they were discharged from employment, expelled from rented lands, fed on short rations, had crops destroyed, expulsion from the parish, bodily harm and actual death in order to compel colored Republicans to vote the Democratic ticket, he had reason to believe himself in constant danger, did not dare register at certain places in the parish from fear of assassination and believed it not a full, fair and free election in the parish.

(Signed) C. E. Ferguson,
Supervisor of Registration,
DeSoto Parish.

[234]*Annual Cyclopaedia*, 1876, p. 489.
New Orleans *Republican*, Dec. 3, 1876.

[235]Rhodes, VII, p. 296.
New Orleans *Republican*, Dec. 6, 1876.

to investigate outrages. Have seen Wells who says 'Board will return Hayes sure. Have no fear.' "[236]

The Returning Board had done its work. The Hayes electors were counted in. To achieve this result the Returning Board threw out 13,250 Democratic votes and 2,042 Republican votes. On the face of the returns the Tilden electors had majorities ranging from 6,300 to 8,957, but the promulgation of the Returning Board canvass declared majorities for the Hayes electors ranging from 4,626 to 4,712.[237] The compilation of votes for William Pitt Kellogg and John McEnery[238] is an example of what was done.

	Supervisors Returns	Democratic Compilation	Rejected by Board	Canvass
Kellogg	76,717	77,174	1,763	75,135
McEnery [239]	80,515	83,723	10,299	70,508

The reasons given by the Returning Board for rejections include irregularities in the form of the returns and proofs of riot, tumult and intimidation.[240] In East Baton Rouge, West Feliciana, East Feliciana,[241] Morehouse and Ouachita, known as the five bulldozed parishes, and in DeSoto, Richland, Natchitoches and Livingston, actual violence and general intimidation were charged. In these nine Parishes, the Returning Board rejected

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[236] 44th Cong. 2nd Sess., House Report 156, p. 9. J. R. G. Pitkin had telegraphed on November 17 to Senator West: "Louisiana is safe. Our northern friends stand firmly by us. The Returning Board will hold its own."
Rhodes, VII, p. 302 citing Report of Electoral Commission, p. 242.

[237] Palmer, Trumbull, Bigler et als., "Address to the People of the United States."
Rhodes, VII, p. 296.
Annual Cyclopaedia, 1876, p. 489.
House Report 156, p. 1.
Tabulation in Louisiana Election of 1876, Vol. I, pp. LIII-LIX.

[238] The Republican candidates for elector in Louisiana were Wm. Pitt Kellogg, J. Henri Burch, Peter Joseph, L. A. Sheldon, Morris Marks, A. B. Levissee, O. H. Brewster, Oscar Joffrion. The Democratic candidates were John McEnery, Wickliffe, St. Martin, Poche, DeBlanc, Seay, Cobb and Cross.

[239] 44th Congress, 2nd Session, Senate Report of Committees, Vol. IV, Senate Report 701, Exhibit "A", Supervisor's Returns (See Appendix D-1); Exhibit "B", votes and polls rejected (See Appendix D-2); Exhibit "C", final canvass (See Appendix D-3); Democratic Compilation of Votes (See Appendix D-4); cited hereafter as Exhibit "A", Exhibit "B", Exhibit "C", Democratic Compilation. Discrepencies in the official records may be accounted for by the fact that the Returning Board "corrected" the Supervisors' returns, and then deducted the rejected votes. They sometimes added votes which "should have shown in supervisor's returns." See testimony of Secretary Abell and Littlefield, Senate Report 701, pp. 2763, 2830.

[240] Tabulation of Discrepencies, Rejections and Explanations. Senate Report 701, part 3, p. 3018.

[241] Whole Parish rejected.

7,724 votes for John McEnery and 912 for Kellogg.[242] The footings as shown by the official documents were:[243]

Republican	Supervisors Returns	Rejections	Canvass
Kellogg	76,717	1,763	75,135
Burch	76,544	1,763	75,127
Joseph	74,433	1,764	74,014
Sheldon	74,426	1,763	74,027
Marks	74,756	1,764	74,418
Levissee	74,969	1,764	74,003
Brewster	74,923	1,762	74,017
Joffrion	75,732	1,763	74,736
Democratic			
McEnery	80,515	10,299	70,508
Wickliffe	80,521	10,293	70,509
St. Martin	80,689	10,300	70,553
Poche	80,176	10,290	70,335
DeBlanc	80,659	10,289	70,536
Seay	80,831	10,301	70,525
Cobb	80,430	10,261	70,423
Ross	80,700	10,288	70,566

The Returning Board changed the result of the election in Louisiana from a Democratic to a Republican victory. No such change should have been made except on undisputable evidence, by men of the highest character for honesty and fair dealing, and through proceedings open to interested observers.

Much of the evidence was in the form of ex-parte affidavits, inaccurate as to dates, and some of it was not even connected with the recent election.[244] The four members of the Returning Board did not bear untarnished reputations, and were not men of such calibre as to inspire confidence in the findings of their Board. Wells, the master spirit, was at the time Federal Naval Officer of the Port of New Orleans; he had been stigmatized in 1867 by General Sheridan as a "political trickster and a dishonest man;" the action of his Returning Board had been condemned in 1875 by the Foster, Phelps, Hoar, Wheeler Committee; since 1867 Wells had done the unsavory work of Louisiana politics and had dete-

[242] Exhibit "B". (Appendix D-2).

[243] Exhibits "A", "B" and "C" (Appendix D-1, D-2, and D-3). Discrepencies in balancing these footings are accounted for in Footnote 239.

[244] Senate Report 701, testimony.
House Report 156, testimony.
Rhodes VII, p. 296.
Dunning, pp. 315-317.

riorated in character; he was a native of Red River Parish, and had been before 1876, Reconstruction Lieutenant Governor and Governor of Louisiana.[245] Thos. C. Anderson, a native of Virginia, had lived for forty years near Opelousas; he had been a member of the State Legislature, and was in 1876 a candidate for State Senator; he had been accused of misuse of State funds; his reputation was unsavory.[246] Louis M. Kenner, a negro, a freedman, was in 1876 operating a billiard hall; he had been indicted for larceny.[247] Gadane Casanave "a free person of color," was the fourth member of the Board.[248]

Of such character and reputation were the four men who were empowered to decide Louisiana's part in the election of the President of the United States.

The Returning Board declared the Louisiana vote for Hayes, but there is little doubt that Wells first offered it to Tilden for $200,000.00.[249]

At noon on December 6th, six of the Republican Electors met at the State House, and elected Levissee and Brewster to fill vacancies caused by the absence of these same men.[250] Levissee said he had been offered $100,000.00 to cast his vote for Tilden. The electoral vote of these eight men was 8 for Hayes, 8 for Wheeler. Thomas C. Anderson was appointed to convey the ballots to Washington.

On December 6th, the eight Democratic Electors met in the hall of the House of Representatives and voted 8 for Tilden, 8 for Hendricks.

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[245] *Annual Cyclopaedia*, 1876, p. 488; 1867, p. 459.
Hoar Report, 1875, p. 19.
Rhodes, VII, p. 295.

[246] New Orleans *Republican*, Nov. 21, 1876. *Annual Cyclopaedia*, 1876, p. 488. Footnote 152; Rhodes VII, 295.

[247] Rhodes, VII, p. 295.

[248] J. S. Black, "The Electoral Conspiracy," *North American Review*, July, 1877: "The members of the Returning Board were bad characters . . . Wells was one of the worst of a bad lot, a defaulter to the State of long standing. Kenner, a mulatto had been indicated for larceny. Casanave was an ignorant nonentity.
Senate Ex. Doc. No. 2, p. 6; John Sherman praised the members of the Returning Board.
Rhodes, VII, Footnote 3, p. 295: "Sherman's characterization of these men is astounding."

[249] "The Electoral Conspiracy," J. S. Black, 45th Congress, 3rd Session, House Report, No. 140, p. 40.
Rhodes, VII, p. 297.
44th Congress, 2nd Session, House Miscellaneous Document No. 42, pp. 138-180.

[250] Brewster and Levissee having held, on November 7th, the offices of Surveyor General and United States Commissioner of Court of New Orleans District, had resigned these offices, but to guard against technical protests did not attend the first meeting of the electors who filled the vacancies as per Sec. 2830, Act of 1870.

The Visiting Statesmen left New Orleans about December 6th. John Sherman sent to General Grant his eulogistic account of the faithful work of the Returning Board, and Governor Palmer made his very different report to Abram S. Hewitt.

Louisiana was not to be left to settle her own difficulties, for by December 15th, two august Congressional Committees[251] had arrived in New Orleans to investigate the late election and the action of the Returning Board. The House Committee divided itself into five sub-committees with one Republican in each division, and each sub-committee was to investigate certain districts; i. e., the Felicianas, New, Beebe[252] and Joyce; Ouachita and environs, McMahon, Ross and Crapo; Caddo and North Louisiana, Meade, House and Danford; East and West Baton Rouge, Blackburn, Phelps and Hurlbut; New Orleans, Morrison, Jenks and Townsend.[252] The Senate Committee voted to remain in New Orleans and take testimony there, but on December 28th, they divided into two sub-committees with one Democrat in each; Senators Howe, Oglesby and Saulsbury went to Ouachita, while Senators Wadleigh, McMillan and McDonald were to proceed to East Baton Rouge after a further examination into the Eliza Pinkston affair.

The voluminous reports of these Congressional Committees[253] revealed a partisan spirit on the part of the investigators. The Senate majority report was signed by four Republicans; the Senate minority report was signed by two Democrats. The House majority report was signed by ten Democrats, the House minority report was signed by the five Republicans, while Crapo, Joyce, Townsend and Hurlbut presented minority reports upon the findings of the sub-committees of the House.

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[251]On December 5th, the Speaker of the House of Representatives announced that pursuant to the Hewitt resolutions of December 4th, he had appointed the following committee to investigate the recent elections in Louisiana: Messrs. Morrison, Jenks, McMahon, Lynde, Blackburn, Meade, House, Phelps, New, Ross, McCreary, Danford, Hurlbut, Crapo and Joyce. 44th Cong. 2nd Session, House Journal, p. 36. On December 6th, 1876, the President of the Senate announced the personnel of the standing committee on Elections and Privileges, with Morton as Chairman; from this Committee Senators Wadleigh, McMillan, and Saulsbury were chosen to accompany Senators Howe, Oglesby and McDonald to Louisiana for the purpose of investigating the late elections there. 44th Cong. 2nd Sess., *Senate Journal*, p. 27. The House Committee stood 10 Democrats, 5 Republicans; the Senate Committee, 4 Republicans, 2 Democrats.

[252]Substituted for Lynde and McCrary.

[253]Senate Report No. 701 submitted to the Senate March 2, 1877, contains over 3000 printed pages. House Report No. 156 submitted to the House February 1, 1877, fills three volumes of House Miscellaneous Documents. The United States Senate had a Republican majority of seventeen, the House a Democratic majority of seventy-four.

The Senatorial Committee found, (1) There seemed no doubt that gross intimidation was employed; (2) Such intimidation very materially and very surprisingly changed the result of the election; (3) Organized intimidation was used in seventeen parishes; (4) In the forty parishes where intimidation was not systematically employed a majority of colored registered votes of 15,965 yielded a Republican majority of 6,353 at the polls, (5) In the seventeen parishes said to have been terrorized, a majority of colored registered voters of 6,949 yielded a Democratic majority of 10,153 at the polls.[254]

The House Committee found (1) That the Democratic electors received a majority of the votes actually and legally cast at the recent election in Louisiana. (2) That the pretended canvass and compilation of the vote for electors by the Returning Board was without authority of law, fraudulent and void. (3) That the vote of Louisiana could not be counted for Messrs. Hayes and Wheeler without the confirmation and approval of the illegal and fraudulent action of said Returning Board.[255]

Hundreds of witnesses, many of whom had testified before the Returning Board, appeared before each congressional committee to affirm or deny stories of intimidation, riot or tumult. Charges and counter charges were heard day after day; the names of Eliza Pinkston, Isaac Mitchell, Gilbert Carter, B. H. Dinkgrave, Henry W. Burrel, Ben James, and other Republicans alleged to have been killed or terrorized by Democrats filled the newspapers, and became household words.

Both committees asked the Returning Board for the original returns of the election, and both were refused by President Wells, who agreed to furnish each delegation with copies of the entire body of official papers.[256] These copies were questioned by the Congressmen who tried in vain to get at the original documents. Members of the Returning Board testified before both committees, to the purity of their actions and to the overwhelming proofs of intimidation, riot and tumult. After some six weeks' investigation, the congressional committees left Louisiana early in January, 1877, to make their respective reports to Congress.

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[254] 44th Cong., 2nd Sess., Senate Reports of Committees, Vol. IV, Parts 1, 2 and 3, Report 701, p. XLI. (Hereafter cited as Senate Report 701).

[255] 44th Cong. 2nd Sess., House Reports of Committees, Report 156 on the Recent Election in Louisiana, p. 19. (Hereafter cited as House Report 156.)

[256] *Annual Cyclopaedia*, 1876, p. 492.
New Orleans *Republican*, Dec. 12, 21, 1876.

Meanwhile, the people of Louisiana were stirred to a pitch of intense excitement over the question of their own state government. Did the counting in of Hayes by the Returning Board signify the election of the Packard-Antoine state officers and legislature? Did the Returning Board's authority extend to the canvass of the general election in Louisiana, or was its province simply to canvass and compile the votes for presidential electors? The election law of 1868, revised in 1870 and 1872,[257] provided that the Returning Board should forward the canvass of the election for the Legislature to the Secretary of State, who, in turn, should promulgate the result, but that the Legislature should count and canvass the vote for Governor and Lieutenant Governor.

On December 31st, 1876, Colonel Louis Bush, accompanied by B. F. Jonas, L. H. Buck, and other prominent Democrats, called upon Governor Kellogg to remonstrate against the barricading of the State House by Radicals. Governor Kellogg defended his course upon the grounds of necessity.

[257]Secs. 16-34-48-94 of the Constitution of Louisiana.

(To be Continued)

EDITOR'S CHAIR

By Henry P. Dart

THE OFFICE OF COUNCILLOR-ASSESSOR IN THE SUPERIOR COUNCIL OF LOUISIANA IN THE FRENCH REGIME.

The Superior Council was the legal department of the Colony of Louisiana during the French Regime. It was created in 1712 for three years, made a permanent institution in 1716 and reorganized in 1719, all by Edicts of the King of France. These edicts have been printed in Louisiana Historical Quarterly, II, 72-103, January, 1919, in the paper by this writer entitled the *Legal Institutions of Louisiana*. This Council was a body of laymen, presided over by the Commissaire Ordonnateur, also a layman, who collaborated with the Governor in the administration of the Colony and was in fact though not in theory a co-executive. This Ordonnoteur was by virtue of his commission the First Judge (or presiding Judge) of the Superior Council. There was associated with the Council a lawyer called the Procureur General and a Clerk called the Greffier who was also ex-officio notary by virtue of his office. These two officers had no vote in the Council.

At the beginning of its career, particularly after 1719, the Superior Council exercised administrative and legislative powers to quite a considerable extent, but it was at all times predominately a judicial body entrusted with the enforcement of the civil and criminal law of the Colony. From its organization to the close of its career on the Cession to Spain the members of the Superior Council were appointed by the King, but in August, 1742, a general edict was issued permitting the Governor, Intendant or Ordonnateur of all the French colonies to appoint Assessors to assist the Council and from that time onward these persons formed part of the judicial body.

The law of 1742 is noted by Martin but not by Gayarré in their histories of Louisiana. In the paper on *The Introduction of Sieur Francois Pasquier, Councillor Assessor in the Superior Council, 1737*, Louisiana Historical Quarterly, 10, p. 68, January, 1927, the writer endeavored to trace the authority for this appointment which antedated the law of 1742 and was apparently unknown to Martin. We concluded that it was an exercise of the implied powers of the Governor and Ordonnateur. Since writing that article we have read the Edict of 1742 and find it necessary to

modify the statement that the appointment of Pasquier was the exercise of implied powers.

Through the thoughtfulness of Judge E. Fabre Surveyer of Quebec, we have enjoyed the opportunity to read a book by J. Delande, printed in Quebec in 1927, entitled *Le Conseil Souvrain de la Nouvelle-France.* This work should interest all students of the Colonial legal system of Louisiana. Besides being interesting per se, it will correct many prevalent notions as to the powers and authority of the Conseil Souvrain of ancient Canada in comparison with the powers conferred on the Superior Council of Louisiana in the several Edicts recited above.

Mr. Delalande prints the part of the text of the Edict of 1742 covering the subject of Assessors (p. 90-92) from which it appears that for some years anterior to 1742 the King had authorized the Governors, the Intendants and/or Ordonnateurs to appoint Assessors in the Superior Councils, not solely to expedite the business but to educate men for such service in other places when vacancies occurred.

The Edict recites that a general rule was now established permitting the local officers aforesaid to appoint not more than four Assessors in each Council, and no greater number without express authority from the King. The Assessor thus appointed would have no voice in the deliberations of the Council unless called in because of the case entrusted to his care or because there were not sufficient regular members of the Council to decide differences of opinion between them. The term of the Assessor was limited to three years from his appointment but he was eligible to reappointment.

The history of the Superior Council of Louisiana after 1737 shows the constant exercise of this authority by the Governor and Ordonnateur and we are glad to be able to fix definitely the status, powers and duties of these public servants of the ancient regime.

THE BENCH AND BAR OF QUEBEC
By
Edouard Fabre Surveyer, Justice of the Supreme Court and Miss Dorothy A. Heneker, Quebec, 1931.

Judge Surveyer was a guest of the Louisiana Historical Society in 1924, and he is very pleasantly remembered for the scholarly addresses delivered by him before the Society and before the Louisiana Bar Association. This international friendship would entitle his brochure to notice here though on first impression it

seems far removed from the interests of the readers of the Quarterly. But the essay is useful because we receive here brief but reliable information on the system of practice and the method of enforcing the law during the French regime in Canada and are able to compare this with the similar work in Louisiana during our period.

The chief sources of the law of both colonies have, of course, a family resemblance. Judge Surveyer says that in Nouvelle France these sources were (a) the Edicts and declarations of the Kings of France; (b) the ordinances and regulations of the Governor General and the Intendant and of the Superior Council; (c) the Custom of the Viscounty and Prevosty of Paris; (d) the judgments and decisions of the Parliament of Paris upon questions affecting the Customs, the decisions of the Superior Council of Quebec and of the Council of State of the King of France on questions affecting the Colony. We may apply with some variations this statement of legal sources to Louisiana. Fortunately, we escaped the rigor of the first part of paragraph (b) for the legislative power of the Governor and Ordonnateur of Louisiana was very limited. They could issue ordinances, but as a whole the Louisiana era was fairly free from local legislation of the character that afflicted Canada.

From *The Bench and Bar of Quebec* and *Le Conseil Souvrain de la Nouvelle-France* we gather also that the Superior Council or Conseil Souvrain of Quebec was not always a popular body nor did it link itself to the souls of the people of New France. By comparison, the Superior Council of Louisiana was closer to the people in every respect; its tendencies were democratic, because it was filled nearly always by men who were neither noble nor near noble. The absence in the Louisiana membership of a representative of the Church was another essential difference between the two Councils. The *Bench and Bar* covers the French and English regimes of Canada and is worth reading. We felicitate the authors on this work of love and duty.

RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA
LIII.

January-February, 1746.
(Continued from October, 1931.)

By HELOISE H. CRUZAT
Marginal Notes by Henry P. Dart

Memorandum by Editor of the Quarterly

The hereinafter named officials participated in the Sessions and/or took part in the work of the Superior Council of Louisiana during the period covered by this instalment of the Index, viz:

de Vaudreuil, Pierre Rigaud Cavagnol, Governor
Le Normant, Sebastian Francois Ange, First Judge and Commissaire Ordonnateur
Henry, Nicolas, Notary and Clerk (Greffier)
Fleuriau, Francois, Procureur General
de Noyan, Gilles Augustin Payen, Lieutenant of the King
Chantalou, Augustin, Sheriff
Lenormand, Marin, Deputy Sheriff
Raguet, Jean Baptiste, Councillor
Prat, Jean, Councillor-Assessor
Le Bretton, Louis Cesaire, Councillor-Assessor
LaFreniere, Nicolas Chauvin de, Councillor
de Benac, Etienne, Town Major
Barbin, Francois Godefroy, Attorney for Vacant Estates
Cantrelle, Jacques, an employee
de Louboey, Henry, Lieutenant of the King and Commandant at Mobile
de Chanfret, Trenaunay, Commandant at Pointe Coupee
Potin, Bernard Louis, Notary at Pointe Coupee

Jan. 1, 1746.
1½ pp.

Procuration. Cezard de Blanc to Elizabeth, his wife.

Before the Royal Notary of the Province of Louisiana, by Cezard de Blanc, Marine Captain and Commandant of the Post of Natchitoches, who is about to leave, constituting as his attorney with full power to act for him, Dame Elizabeth Guiot, his wife.

Done and passed in the notarial office in New Orleans, Jan. 1, 1746.

Signed: DeBlanc. Chantalou. Lenormand. Henry (paraph) Ntry.

Note by translator: Cezaire de Blanc, Commandant at Fort St. John the Baptist at Natchitoches, was first married to Elizabeth Guiot. She died June 26, 1749, and on June 9, 1750, he married Delle Marie des Douleurs Juchereau de St. Denis, daughter of the former Commandant of said post and of his wife Dame Manuela Sanchez (Sancho) de Navarre. There were two children issue of this marriage.

Jan. 3. 2½ pp. (27046) fo. 29. (4126)

Obligation by Mazan to Prat.

(The document is torn, the upper half on the right side being entirely missing).

Signatures that appear: Chantalou le Cher de M (azan)* Henry (paraph) Ntr.

*Torn in text and supplied.

Lower end of page shows that payment is to be made in gold or silver money in piastres of five livres each. Sr. Prat remits interest on the first year.

Jan. 4. 2½ pp.

Succession of Jacques Roquigny. The Procureur General reports the death and petitions for a family meeting.

Report of decease of Jacques Roquigny, overseer of the King's plantation, on December 23, 1745, leaving by Marie Jolly, his wife, four children. That he probably has accounts to render to the King on the provisions and effects in his charge, for which reason the seals were affixed for safety of the accounts and preservation of the goods of the minor heirs, and of the creditors if there be any. The deceased made before Rev. Father Mathias, Capuchin Curé of this city a sort of testament by which he asked that his eldest son, aged seventeen years, be tutor of his brother and sisters and that they establish their residence on the plantation at the English Turn, established by him two years ago. He prays Sr Provenché, a settler and his friend, to watch over his son as his curator, which cannot be, neither can the son be tutor owing to his youth, wherefore it is suitable to convene a family meeting and in default of relatives, of friends, to give their opinion and elect a tutor and curator. May it please the gentlemen of the Council to order that the election be ordered of a tutor and subrogé tutor, (the subrogé tutor was the contemporary equivalent to our present day under tutor,) to said minors in order that the seals be raised and inventory taken of the goods of the minors and estimation be made of same. Signed: fleuriau.

Order to convene meeting.

Jan. 4. Order to convene aforesaid meeting before Sieur Raguet to elect a tutor and subrogé tutor to said minors.

Signed: Lenormant.

Notices and report on family meeting.

Jan. 14. Notices served on relatives and friends of deceased Jacques Roquigny and Marie Jolly to attend meeting. They appeared and agreed that Sr. Provenché be tutor

and Sr. Rougeot (Roujot) subrogé tutor to Roquigny minors.
Signed: Laurent lerable. J. Perier. fleuriau. F. Roujot. Thamery. Raguet. Provenché swore to serve faithfully and declared that he could not write nor sign, wherefore inquiry as per ordinance.

Signed: fleuriau.
Signed: Raguet.

(27222) 1½ pp.

Report of election.

Jan. 15. Report of Jean Baptiste Provenché of his election as tutor of minor heirs of Jacques Roquigny and Marie Jolly, both deceased, and of Edme Rougeot as subrogé tutor. Wherefore he petitions that it be ordered that seals be raised and that estimation and description be made of the Roquigny goods, including slaves, plantations, etc.

Order to raise seals, etc.

Jan. 15. Order to raise the seals, then to proceed to the inventory of the said minors for their protection and that of the interested parties.

Signed: Raguet.

(27170) 20 pp.

Raising of seals and appraisement of estate.

Jan. 17. On request of Sr. Jean Baptiste Provenché inventory was taken of goods of Jacques Roquigny and Marie Jolly, his wife, the seals placed on effects of Roquigny were found to be whole and entire, in the King's house, on the other side of the river opposite New Orleans, whereon they were raised in the presence of the Procureur General, stipulating for the minors and other interested parties and an inventory was made of the movables, estimation of which was made by Lenormand, appraiser.
Signed: f Roujot. Lenormand. fleuriau. Raguet.
Document in good condition.

(27217)

Petition to lease plantation and slaves.

Jan. 15. Petition by Jean Baptiste Provenché, tutor of minor heirs of Jacques Roquigny, stating that he is charged with a plantation, and slaves, belonging to said minors, which it is necessary to lease as promptly as possible as they are perishable goods, in time to repair the levees, wherefore he prays that lease be posted and published in the usual places, that they be leased in a fortnight to the highest bidder.

Signed: Lenormand for Provenché.

Jan. 15. Order to communicate to the Procureur General.
Signed: Raguet.

Consent of Procureur General.

Consent of the Procureur General that advertisements be made in ordinary form, conditions to be explained at the time of adjudication before one of the Councillors in our presence.
Signed: fleuriau.

Permit to advertise.

Jan. 15. Permit to advertise plantation and negroes three times at eight days distant (consecutively) and then proceed to lease.

Signed: Raguet.

First advertisement.

Jan. 16. First advertisement of lease of plantation, four leagues from New Orleans, descending the river, measuring eight arpents frontage on ordinary depth, with the slaves on it and 15 or 16 horned cattle, comprising milk cows, bulls, calves and thirty quarters of grain, which will be replaced by the lessee when lease has expired, lease to be before M. Raguet, on condition of giving good and sufficient bond within twenty-four hours after adjudication, and before being put in possession of what is leased, said plantation to be kept in good condition with necessary drainage, roads, etc. Signed: Lenormand.

Second advertisement.

Jan. 23. Second advertisement of aforesaid lease of plantation, slaves, cattle, etc., with clauses and conditions of said lease.

Signed: Lenormand.

Third Notice of auction of lease.

Jan. 30. Third advertisement, and explanation that payment is to be made every six months and that bond shall be furnished within twenty-four hours after lease is signed.

Signed: Raguet.

Louis Roquigny, aged 17, petitions for emancipation under a curator.

Jan. 26. Petition by Louis Roquigny, aged seventeen, son of Jacques Roquigny and Marie Joly, both deceased, saying that Jean Baptiste Provenché was appointed tutor to administrate and govern his goods and person, but that he has the intention of traveling by sea and that he will need some wearing apparel and other things. Wherefore he would wish to be emancipated to enjoy the revenue of his goods which considered, he prays that a family meeting be convened so that he may be emancipated under curatorship of whosoever is named under letters of emancipation in the ordinary form. Signed: Louis Roquigny.

Order to communicate to the Procureur General.

Signed: Raguet.

Consent of Procureur General.

Feb. 5. Consent of the Procureur General that a family meeting be convened before one of the Councillors, to deliberate on the emancipation of Louis Roquigny.

Signed: fleuriau.

Order to convene meeting.

Feb. 6. Order by Council to assemble relatives of said Louis Roquigny to deliberate on said emancipation.

Signed: Lenormant. Vaudreuil. Louboey. noyan.

(Our files do not show the subsequent proceedings).

(27194) 3 pp.

Action of Council on lease of Roquigny plantation and effects to Darby.

Feb. 5. Action of Council on the lease of the Roquigny estate, before Raguet, councillor in charge. The proceedings heretofore recorded are repeated and the lease to Sr. Darby is confirmed for 1550 livres per annum, payable every six months for three years. The lessee is obligated to return the leased property in good condition including ten negroes, six cows, two bulls and the issue of said negroes and cows. The lessee assumes risks to negroes, the upkeep of levees and ditches, the front to be cleared for passage of pedestrians. The negroes are also to be subject to their duty in the public work to which the plantation is subject. Said Darby to give good and sufficient bond within 24 hours.

Signed: Rougot. Darby. fieuriau. Lenormand. Raguet.

Protest by Cariton.

Feb. 7. Petition by Jean Baptiste Cariton, coat maker, protests delivery of goods of said succession until payment of 950 livres, which Sr. Provenché, as tutor, has refused to pay.

Signed: Lenormand for petitioner.

Feb. 8. Order to communicate to the Procureur General. Signed: Raguet.

Consent of Procureur General that debt be paid.

Following the above consent of the Procureur General that tutor pay aforesaid debt without proceedings nor costs.

Signed: fleuriau.

Consent to pay sundry creditors.

Feb. 9. Following petitions and conclusions of Procureur General on memorandums of furnishers, funeral expenses, mourning, etc., to Maurice, cobbler, altogether the sum of 949 livres, 16 sols, crediting memorandums and discharges of creditors with same. Signed: Raguet.

The aforesaid debts have been paid by Procureur in the presence of Raguet.

Jan. 5. 1½ pp. (27049) fo. 30. (4127)

Procuration, Chevalier D'orgon to J. B. Prevost.

Procuration granted by —— Henry, Chevalier D'orgon, Marine Captain, who is about to leave for the Post of Natchez, constituting as his general and special attorney, Sr. Jean Baptiste Prevost, Agent of the Company of the Indies, to whom he gives full power to represent him and act for him in granting discharges, to receive and receipt for his pay sent from France by the Treasurer of the Marine and likewise to receive his letters, until revocation of this present.

Signed: "Le Cher D'orgon." Chantalou. Henry (paraph) Ntry.

Document torn, with upper portion of text missing.

Jan. 8. 1½ pp.

Louis Thibierge of Illinois vs. Marin de la Maraque, on appeal from Illinois. Answer of the Procureur General.

Answer by the Procureur General before the Superior Council to the citation served by Sheriff Lenormand on the twenty-first of last December, on Sr. Marin de la Marque, on petition of Sr. Louis Thibierge, settler, appealing from the sentence rendered at Illinois. The Procureur affirms that said Marin sent in his papers, memorandums, and defenses, which are deposited in the Registry, that he consents for the King that Thibierge take cognizance of same or make necessary excerpts, and he asks that the said papers with those of the adverse party be remitted to a referee to be passed on finally, the said Marin not being in default since he sent in his written defenses; but as the Procureur is not acting under procuration to add to nor diminish, it is evident that he has nothing further to say. Signed: fleuriau.

Jan. 14. 2½ pp.

Gervais to Larcheveque.

Petition to the Superior Council by François Gervais, husband of Marianne Busson, minor daughter of deceased —— Busson. He states that said Busson left three daughters of whom their mother was tutrix. The mother married secondly Sr. Jacques Larcheveque Senior, who since then holds the movables and immovables of said succession, and as he has refused to render account to petitioner, or to remit anything whatsoever, he demands that said Larcheveque render account of the rent of the negroes. Said Larcheveque's wife having left his house, there is no longer the pretext that he feeds the children on the revenue of their goods, Wherefore he prays for permit to have said Larcheveque cited at the next session of the Superior Council, that he be ordered to render account of the administration of said succession.

Signed: Lenormand for Gervais.

Jan. 15. Permit to cite signed by Raguet.

Notice served.

Jan. 17. Notice of citation before Council served on Sieur Larcheveque, at his domicile, on petition of François Gervais, by Sheriff Lenormand.

Jan. 15. ¾ p.

Declaration concerning runaway slaves.

Declaration before Captain Macarty by Joseph Chaperon that he saw the runaway negro named Lafleur and the negress Catherine Marie opposite the Church. They ran away since last December 29th and carried away an iron pot. The said negroes were acquired from Dausseville's succession; they left their son aged fourteen years, named Nicolas. Chaperon declared that he did not know how to write nor sign, wherefore inquiry following the ordinance.

Jan. 17. (27051) (4128) 6 pp.

Inventory of succession of Joseph Duplechin of Pointe Coupee.

Request of Jean Baptiste Rabalay, called Matelot, (sailor) settler at Pointe Coupée, that inventory be made of the goods of Joseph Duplechin who died on the second day of the present month, leaving an heir, Philippe Duplechin, aged seventeen years.

Sr. Claude Trenaunay Chanfret, subdelegate at the said Post, accompanied by Bernard Louis Potin, acting as greffier, went to the house of the deceased to make a faithful inventory and description of his goods, papers, utensils, wearing apparel, etc. They found said Rabalay in charge, who swore that nothing had been diverted nor secreted and they proceeded to make an inventory of all that was in evidence. The inventory is signed by Pontalba, Meuillion, Roquancourt Potin. Trenaunay Chanfret. (Document almost effaced.)

(27055) Jean Baptiste Rabalay was the tutor of Philipe Duplechin. He was the friend and neighbor of the deceased and had been appointed tutor of the orphan.

May 16, 1746. Sale of effects of Joseph Duplechin's succession. Total of sales amounted to 4230 livres, 6 deniers.

(27063) This amount was turned over to Rabalay who promises to turn it over to Philipe Duplechin when so required.

Signed: Mark + of JBte
Rabalay dt Matelot. Meuillion temoin
Maieux temoin.

Inventory of titles and papers cover two pages.
Signed: Pontalba. Meuillion. RoquanCourt.
Trenaunay Chanfret. Potin Nore.

There is a memorandum of tools belonging to said succession. (Document in such pale ink that it is mostly illegible.)

Jan. 22. (27067) (4129) fo. 30. 4 pp.

Marriage Contract, Jacques Roy and Marguerite Lehon.

Marriage Contract of Jacques Roy, son of deceased Jean Roy, and of deceased Jeanne Girard, a native of Mally in Poitou, Bishopric of La Rochelle, of age and acting within his rights, on the one side, and Miss Marguerite "Lehon," minor daughter of deceased Pierre Lehon and of Marguerite Lormaiseau, here present, now wife of Jacques Cantrelle, stipulating for the minor, on the other side; who have come to agreement with consent of the following relatives:

On the side of the groom of Sr. Gilbert Damard, Lempileur and Sr. Songy, settlers, in default of relatives.

On the side of the bride of Madam Cantrelle, her mother, Sr. Cantrelle. her stepfather; Sr. Jean Cariton, tailor of New

Orleans; Sr. Urbain Picou, her cousin, and of Sr. Augustin Chantalou, her friends.

Signed: Marguerite Lehoux. Cantrelle.

Songy. Chantalou. Cariton. Lenormand. Jahan. Henry, Ntry.

Jan. 24. 3 pp.

Antoine Aufrere, agent of the heiress of the late Sr. Dausseville vs. Barbin, administrator of the succession of said Dausseville.

To compel obedience to the judgment in plaintiff's favor rendered Dec. 1, 1745.

Petition to the Superior Council by Sr. Antoine Aufrere acting under procuration of Miss Bernarde Amyault, heiress of deceased Sr. Dausseville, Attorney of Vacant Estates, vs. Sr. Barbin charged with the said succession humbly stating that he obtained a decree (hereto annexed) Dec. 1, 1745, condemning Sr. Barbin to render account to him as holder of procuration of the heirs of Sr. Raymond Amyault Dausseville and to remit to him the papers and effects movable as well as immovable of the said succession, and to furnish good and sufficient bond which will be received by Sr. Raguet in the presence of the Procureur General of the King, no sale to be made unless so ordered by the Council until accounts be rendered by Succession of Sr. Dausseville. They are moreover condemned to settle this in three months.

Sr. Barbin executed part of the first order having remitted houses and lots in the city, plantations, with slaves, cattle and utensils attached to said plantations which have been sold judicially, likewise a quantity of notes and accounts of private individuals. Petitioner does not understand that rendering account meant remitting the papers of said succession and the books of Sr. Dausseville to raise difficulties thrown in by the debtors of this succession; he was likewise ordered to render an account on the inventory of movables and immovables and sale of movables and merchandise made after decease of said Sr. Dausseville, which petitioner has not been able to obtain, notwithstanding the decree against the defendant of Dec. 5, 1744, to furnish a new good and sufficient bond before M. Raguet in the presence of the Procureur General of the King. Petitioner protests and prays that the decree of Dec. 5, be executed according to its form and tenor otherwise that defendant be prosecuted by all ordinary means, even to seizure of movables and immovables until final payment of all accounts of said succession.

Signed: Aufrere.

Upper portions of first and third pages charred and text missing; also the lower part of 1st, 2nd and 3rd pages.

Jan. 26.
(27074) fo. 30.
(4131) 18 pp.

This report is evidently a part of the papers referred to in the issue presented by the preceding entry. It is a series of

Deposit in the registry of sundry documents from St. Malo, France, concerning the claims of various persons as heirs of the late Raymond Amiault, Sieur Dausseville, who died in New Orleans August 14, 1744. (?)

The numerals affixed to the documents are 27074, 27076 to 27079 inclusive, 27080-1-3-5-6-7 and 27091.

documents emanating from St. Malo, France, all elaborately certified. They indicate that Dame Julienne Harinthon, the widow in community of the late Sieur Dausseville was in 1744 living at St. Malo, and that sundry persons claiming to be collateral heirs of the decedent had been interpleaded there to protect their rights in his succession.

Among these persons Miss Bernadine Amiault seems to claim to be the sister and nearest collateral heir of the decedent.

It also appears that the widow Dausseville renounced the community, possibly under the pressure of this litigation.

The deposit of these original documents is made by Nicholas Godefroy Barbin, Attorney for Vacant Estates for the account and interest of all persons concerned, and in order that copies may be obtained.

This act of deposit is signed by Barbin and by Henry, Greffier.

These papers are in fairly good condition and may be of geneological interest, but in our judgment there is no occasion to do more here than to note their existence in our archives.

Jan. 26.
(27071) fo. 30.
(4130) 2½ pp.

Procuration by Marine Ensign Marin Gaspar Avenier, Ecuyer, Sieur Duplechin. He signs Duplessis.

Procuration before the Notary Royal of the Province of Louisiana, residing at New Orleans, and the undersigned witnesses by Sr. Marin Gaspar Avenier, Ecuyer Sieur Duplechin, Ensign of a detached Company of the Marine in Louisiana, to (blank) to direct, govern and administer all his goods and affairs without exception, to receive all that may hereafter come to him by notes, promises, obligations, letters of exchange, or otherwise, and under any title whatsoever, even arrears due and to fall due, etc., to give all discharges, to make recoveries, to name and agree with officers, guardians and depositaries, to give all necessary consents, to see to execution of all testaments or codicils, to renounce successions if they be onerous, to accept them if they be advantageous, to pay all debts and passive charges of said successions, etc. Done and passed at New Orleans on the 26th of Jan. in the presence of Augustin Chantalou as Greffier, Lenormand usher and crier in the Superior Council before witnesses residing in New Orleans. Signed: Duplessis. Lenormand. Chantalou. Henry (paraph) Ntry.

Document charred and cut.

Jan. 28. (27101) 1 p. sss.

The Procureur General reports the death of Durantaye, drowned in the lake returning from Mobile.

He was engaged in trading with Pensacola.

Report of the Procureur General to the Superior Council that he has just been informed of the death of Durantaye, a resident of New Orleans who traded with Pensacola and who was drowned a few days ago, in the lake, returning from Mobile. His chests, effects and a negress are at Sieur Tarascon's. Tarascon was with him when he drowned. As the deceased owes a great deal to different merchants and private individuals, may it please the Council to order that seals be affixed on the chests of said Durantaye, which have been deposited in the Registry, for opening to be made in the presence of the Attorney of Vacant Estates, and creditors who may be present if they so will, before the Councillor appointed, the moneys to be deposited as the law orders. Signed: fleuriau.

Order to affix seals.

Jan. 28. Order to affix the seals in the presence of the Procureur General of the King, of the Attorney of Vacant Estates and of M. Raguet. Signed: Lenormant.

(27094) 3½ pp. (27095)

The seals are affixed on the effects by Councillor Raguet, and Procureur Fleuriau.

Jan. 28. On request of the Procureur General, following the order given by Lenormant, Jean Baptiste. Raguet, Councillor in the Superior Council and Commissioner in this case, accompanied by the Greffier, at 10 A. M. went to the residence of Lorrains dt Tarascon to affix the seals on the goods of Durantaye who was drowned in the lake on his way back from Mobile. Tarascon presented all that belonged to Durantaye in his house and swore that nothing had been carried away, diverted nor secreted; that said Durantaye was his passenger with his negro Pierrot seven days previous, in his boat. He first produced a negress, Marie Jeanne aged about twenty-five years, whom Durantaye had taken as payment from Don Bouquerat (Buscara) paying teller of Pensacola, for the sum of three hundred and some piastres on an account of 600 piastres due him. Moreover a small (chest)* with lock and a trunk, without a lock, of which the negress always had the keys, brought from Pensacola to this place, which the said negress remitted to us, and in the moment we affixed two bands of paper on each. Tarascon was then summoned to say if these were the only effects of said Durantaye. He answered that it was all he had in his possession, and that he knows of his affairs, being his associate since a year. No other effects of Durantaye were found. We left those mentioned and our seals in charge of said Tarascon, with the consent of the Procureur General of the King, and he promised to produce them when so required.

*Coffre.

Signed: Tarascon. fleuriau. Raguet.

Gaspart Pictet, a creditor, protests against the delivery of any of said effects before payment of a debt of 3298 livres, 5 sols, due him by the decedent.

Duplanty, another creditor, makes a like protest. His debt is 122 piastres.

Appearance of Sr. Nicolas Henry, Greffier, acting under procuration of Sr. Gaspart Pictet who protested against delivery of any effect whatsoever or to the raising of the seals until payment of the sum of 3298 livres, 5 sols, for merchandise delivered to him at Pensacola for his private account or to remit to him the effects in kind which will be found following the invoice and the acknowledgment below it, of May 5, 1745, which was certified the said day, month and year.

Signed: Henry (paraph).

Protest by Sr. Augustin Chantalou, acting under procuration that seals be not raised nor effects sold or delivered until payment of 122 piastres and a half, following note of deceased Durantaye on date of last May 12th, for a like sum paid to him by Sr. Duplanty, which was certified on the said day, month and year. Signed: Chantalou.

Louis Morisset, another creditor, protests. His debt is 2082 piastres, 5 reaux.

Protest by Louis Morisset, merchant of this City who declared that he opposes the raising of the seals or the sale or delivery of effects of Durantaye until payment of 2082 piastres, 5 reaux, due to him for merchandise delivered to him for his commerce in Pensacola, following the invoice and the receipt below it on date of April 14, 1743, and of Nov. 27, 1744, and moreover a negress said Durantaye had from Don Bernard on account for what was due him on various merchandise, whom he claims, which was certified on the said day, month and year. Signed: Morisset.

Etienne Layssard, another creditor, protests. His debt is 1709 livres.

Protest by Sr. Etienne Layssard who likewise opposes the raising of the seals or sale and delivery of goods until payment in kind or in money of the sum of 1709 livres due him by said Durantaye.

Signed: Layssard freres, and we, Greffier undersigned.
(Document stained.)

Jan. 29.
(25137) fo. 30.
(4134) 1¼ pp.

Declaration by Paul Rasteau.

A transaction in gold ingots between Paul Rasteau and Dayon & Forstall results in a dispute as to the proper value of the same.

Declaration in the Registry of the Council by Sieur Paul Rasteau that he bought from Dayon and Forstall ten ingots of gold for 1250 piastres, which he paid cash. Having heard that Sr. Prevost was charged by Dayon and Forstall to reclaim the gold under pretext that it had not been appraised, and Sr. Rasteau having promised verbally to M. Le Normant,

Rasteau deposits the gold and the price in the Registry of the Superior Council and protests against the contention of Dayon & Forstall.

Commissioner General of Marine and Ordonnateur that in order to avoid all discussions he would return said ingots within a fixed time provided he were reimbursed his investment therein and as this offer has not been accepted and as he finds himself at this time in need of said funds he makes the present declaration in order that he may receive the money he has paid therefor in a fixed time and in default of which he will send the metal (to France) at his risk, as it is not just that his funds be employed by Dayon* and Forstal for their profit. Moreover he makes the present declaration to serve and avail as need may be. Signed: P. Rasteau.

*Alternately spelled Dajon and Dayon.

Same matter. Petition by Prevost under procuration of Grandjean for prolongation of the time for the redemption.

Feb. 1. Petition to the Superior Council by Jean Baptiste Prevost, Agent of the Company of the Indies, acting under procuration of Sr. Luc Grandjean, merchant of Havana, Spanish port, stating that Sieurs Dajon and Forstal, business partners of Sr. Grandjean sold to Sr. Rasteau ten ingots of gold for the sum of 1245 piastres, two reaux, which he paid in effective Spanish money, which Sr. Rasteau counted to them on the valuation made by Joly of New Orleans, of that of Havana on gold of the same qaulity reported by Sr. Forstal. The goldsmiths there, however, estimated it at seventeen carats, whilst Jolly estimated it at ten carats, which causes considerable prejudice to Grandjean. Sr. Rasteau informed Grandjean that he will send the gold to France at Grandjean's expense as he needs his funds and the delay granted by Forstal will expire for the withdrawal of the said gold.

Sr. Rasteau is too honest to profit by an error caused by the ignorance of Sr. Joly, wherefore petitioner prays that Sr. Rasteau be cited at the next session of the Council to extend the delay granted, that petitioner may write to Grandjean to send the funds necessary to withdraw the gold, unless Sr. Rasteau prefers to indemnify Sr. Grandjean for the loss incurred by the assay made in New Orleans by Joly, and accept the estimation made in Havana. Signed: Prevost.

Feb. 1. Permit to cite defendant at next session.
Signed: Raguet.

Notice served on Rasteau.

Feb. 1. Notice of citation served on Sr. Paul Rasteau at his domicile in New Orleans, on petition of Sr. Jean Baptiste Prevost.
Signed: Lenormand.

Answer of Paul Rasteau.

Note by Editor of Louisiana Historical Quarterly.

Feb. 5. Sr. Jean Baptiste Prevost, Agent of the Company of the Indies, acting under procuration of Grangent

Paul Rasteau was a leader in the business and finances of New Orleans during this period and also a successful and respected citizen.

Our records show some of his transactions. His career should be studied for a paper on him and his times. It is an evidence of the cosmopolitan character of New Orleans even in that early day that Mr. Rasteau should have reached the high position he held in the community, because he was a protestant and in consequence could hold no office in the Colony.

His position and standing was the result of his high character and this suit illustrates his fine qualities and great fairness in his commercial dealings.

(Grandjean) of Havana, plaintiff, vs. Sr. Paul Rasteau. The defendant, answers, saying that it is true that he bought from Srs. Forstal and Darjon ten ingots of gold under various titles according to the invoice. They agreed amicably that the defendant would pay following the assay. made by the goldsmith of New Orleans, that is if the gold matter was of 24 carats the defendant or purchaser would pay at the rate of twenty reaux a castilian—Spanish weight and so on. This agreement was executed in all its points according to the statement or invoice which was drawn up by Sr. Forstal which he signed and deposited in the Registry. M. Le Normand (Le Normant) Commissioner General of this Province before the departure of the King's vessel, Le Chameau, reported to defend- and that Sr. Grandjean complained of loss, and through condescension the defendant to show his good faith promised M. Le Normant that if in four months said Grandjean remitted the sum of 1246 piastres, two reaux and a half, the amount of said sale, he would return the gold in kind. He thought that he would suffer no difficulty and was surprised that after such an offer Grandjean sent a procuration with certificates claiming indemnity on the price whilst the defendant would have no right to the funds that Forstal and Darjon have used for said Grandjean for cordage and other effects from the King's stores to fulfill the agreement made in Havana, on which they made profits while the defendant suffers with a dead investment which he could not use to keep his promise to said Le Normant.

The certificate of the goldsmiths made before notary public in Havana is of no value for the notary cannot in France as in Spain be in Court by legalization by the Judge. It is true that said certificate is legalized by three Notaries of Havana, and it is surprising that Sr. Grandjean did not have it properly legalized by those who should have done it. There are nullities in the certificate since the first goldsmith who assayed the said matter judged it to be of 17 carats and estimated it at 17 reaux "de castillane"; the second at 18 carats and the third like the first; then the proof is false and proves the ignorance of the assayers, since plurality does not carry it in such assay and only skill and knowledge of these matters count. This is proven since all the assayers of France give the same results. Moreover, it is astonishing that Sr. Grandjean pretends to a loss as this matter is merchandise and the price should be set by the King as on tobacco and beaver skins in this Colony. These reasons are more than sufficient to combat

Mr. Grandjean's, who to all appearances, wishes to use the purse of others to fill his own.

Without further useless discussion this gold is merchandise that defendant bought from Forstal and Darjon at the common price. They cannot come back on it, neither can Sr. Grandjean. . . . (right margin deteriorated here.)

The Procureur wishes to render himself necessary in all things more than his commission exacts; he must not ignore that the defender had him summoned by a declaration in the Registry on Jan. 29th notified to him by Lenormand, sheriff, on the 31st of the said month to remit to him as procureur the sum of 1246 piastres, 2 sols, 2 deniers, which he paid cash to Sr. Darjon in kind, in default of which he would use them or dispose of them. Being served, he contents himself by asking for time and an indemnity. On what bases does he put this last? Is it on the pretended false assay of Joly. It appears that it was correct since the other ingots agreed with his in the invoice; it is then the defendant who has the right to demand an indemnity since he has a dead fund whilst Sr. Grandjean and his associates have made their profit.

Until now the funds have remained in possession of the procureur wherefore defendant prays that plaintiff's demand be rejected and that defendant be allowed to sell, send and dispose, at his option, of the said gold and that plaintiff pay all costs, damages and interest.

Signed: P. Rasteau.

See decision of the Superior Council, Feb. 5, 1746, No. 3.

Jan. 31.
(25139) fo. 30.
(4135) 1½ pp.

Obligation of Tixerant to Rasteau.

Acknowledgment by Sr. Louis Tixerant, Marine officer, that he owes Sr. Paul Rasteau, a merchant of this Colony, the sum of 7447 livres, 2 sols, 1 denier, for merchandise previously furnished him by said Rasteau, following his notes. Sr. Tixerant obligates himself to pay said debt in piastres of five livres each in three equal payments, the third and last to be made Jan. 31, 1749, for which he furnishes security on his movables and immovables now owned and those that may come hereafter, on his residence, and his plantation, situated above that of the Jesuit Fathers, above this City, at which place he consents, for the execution of the present, that all notices be delivered as agreed for, thus promising, obligating, renouncing, etc. Done and passed in New Orleans, Jan. 31, 1746, in the presence of Sieurs Augustin Chantalou and Francois Jahan, witnesses, there residing, and signed: Tixerant. Chantalou. Jahan. Henry (paraph) Ntry.

Feb. 1.
(27145) fo. 30.
(4138) 1 p.

Before the Notary of the Council Sr. Antoine Meuillion, surgeon of the King, a resident of Pointe Coupee declares that

Surgeon Antoine Meuillion, of Pointe Coupee, grants freedom to his female slave and her child conditioned that she shall remain bound to him until his death or so long as he remains in this Colony.

The slave is named Charlotte and is of Senegal nativity.

he has granted freedom to Charlotte, his slave of Senegal nationality, for the services rendered him daily. She has a child named Louis, aged about two years, and said Meuillion thinks he cannot reward her better than by granting freedom to the child as well as herself, it being understood that during the time he will remain in this Colony, the said slave will serve him as a slave, that she will enjoy her liberty only in the event of his going to France or of his decease in this Colony, in such case petitioning the Governor and Commissioner Ordonnateur to confirm her manumission, that she and hers may enjoy the same rights and privileges as the other enfranchised subjects of His Majesty, according to the laws and ordinances, declaring moreover that he acquired her from Louis Riche to whom he paid cash, about five years ago, for security of which he asked that act be passed to serve as need may be.

Signed: Meuillion. Henry (paraph) Greff.

(Document in good condition.)

Feb. 1. 1½ pp.

Louis Cheval vs. Andre Carriere, suit for rent of house in N. O.

Petition to the Superior Council by Louis Cheval, settler in this City, stating that he had rented his house and dependences to Sr. André Carriere, for the sum of eighty-four piastres per year, which amounts to forty-two piastres for six months on which they verbally agreed that payment would be made every six months. The petitioner, notwithstanding several demands has received nothing, wherefore he prays that Sr. Carriere be cited before the Council to be condemned to pay the eight months due on the first of the present month.

Signed: Cheval.

Permit to cite. Signed: Raguet.

Feb. 1. On petition of Sr. Cheval, residing at domicile of Sr. Brosset, citation served on Sr. André Carriere, there residing by Sheriff Lenormand, who left copy of the lease, and of this citation which was certified. Signed: Lenormand.

Feb. 1.
(27141) fo. 30.
(4136)

Albert Decuir sells to Jacques Decoux both of Pointe Coupee, the former's land and house at that place for 1200 livres, payable to vendor's heirs and six months after vendors death.

Before the acting Notary and Greffier at Pointe Coupée, and the undersigned witnesses were personally present Sieurs Albert Decuir vendor and Jacques Decoux, purchaser, both residents of the said place, have made the following covenant and agreement: That Sieur Albert Decuir sells, cedes and transfers to Sr. Jacques Decoux, his half of a house situated in the said place, adjoining Sr. Jean François Allain, the said house of posts in the ground, bricked

and roofed with shingles, with its half lot, fences, sheds, appurtenances and dependencies generally whatsoever, and six arpents of land fronting the river, by ordinary depth, four arpents of which are due to his work and the two others were acquired from Sr. Pierre Haussy. This sale is for the sum of 1200 livres in current money, which said Decoux promises to pay and obligates himself to the heirs of Sr. Jacques Decuir six months after his death, counting from the day of his decease, which agreement, the said parties of their free and good will accept, are satisfied with, and have promised to hold to these presents, thus promising, obligating, renouncing . . . done and passed in notarial office, the aforesaid day and year and signed with us Notary: Potin. "Albar de qusir." Jacques decoux. Calais witness. porcher. witness Braindamour witness. Potin, Ntry.

Feb. 2. (27146) (4139) fo. 30. 3¾ pp.

Testament of Pierre Joly made before Notary Henry in the King's Hospital at N. O. The testator was an indigo maker.

Before the Notary Royal of the Province of Louisiana, residing in New Orleans, in the presence of the undersigned witnesses on request of Pierre Jolly, we went to the King's Hospital of this City, where being, we found the said Pierre Jolly, indigo maker of this Colony, lying in bed No. 18, ill of body, but in possession of all his faculties, memory and understanding, who fearing certain death and the uncertain hour of same, after having recommended his soul to God and his body to be interred in the Rev. Capuchin Fathers cemetery of this City, as professing the Catholic, Apostolic and Roman religion, invoking the Blessed Virgin Mary and Blessed St. Peter, his patron to intercede for him with God and the Holy Trinity to receive his soul among the blessed in Paradise and to remit his sins, dictated to us from his own mouth his last intentions and will.

He wills and intends that on all the goods he leaves in this world, consisting in the following there be raised all that he may owe with the costs of his funeral and illness.

That he wills and intends after all his debts are paid, the surplus of his goods be sent to Elizabeth La Chenay, his wife, residing at the place named La Soufrière of the dependency of the Cape, to enjoy and dispose of them as a good mother, natural tutrix of the children left by the said testator, coming from the said marriage, and as to what concerns the quota in the community of the said testator with his wife, he wills and intends and names by this present Sieur Chastang as testamentary executor of these presents, his last will, which he begs him to accept, leaving him master in general to sell the effects left after his decease either by justice or by agreement of parties, as he will choose for the better interest of the wife and the children of the testator.

He said and declared all his little affairs as he knew them, in order to leave nothing suspicious on his memory, namely, that he owes Sr. Coquillau, tailor of this City, and from whom he holds a note, moreover, the making of a cloak and small waistcoat and breeches for a small negro.

To M. Chastang the sum of twelve piastres for which he has a note.

That he owes no one else but by letters and notes which he prays his testamentary executor to pay, reporting their authority and credit.

He said and declared to us that there is due him by Sr. Le Bretton, the sum of 93 piastres in Spanish money, who has deducted three piastres for three turkeys furnished by Madam Le Bretton on his salary as indigo maker at M. Le Bretton's, for 80 livres, due him by François Trepanier.*

*Trepagnier.

He owns two horses, one of which with harness and equipage, is on the land of M. Le Bretton, as well as two chests, a bed, in which chests are his business and family papers; a silver watch also in Mr. Le Bretton's possession, earnestly praying M. Le Bretton to remit all these to M. Chastang in his capacity, as also a mattress, straw bed frame, bed valance, two sheets, a table, a safe, (larder), a shaving dish of earthenware, a small mirror, a chamber, a wooden vessel to salt meats, a silver spoon and fork, two earthenware salt cellars, a calumet of red stone and other trifles which he does not recall; which is all he declared putting in his last will, again praying M. Chastang to execute it. Having read contents of said will to Sr. Pierre Jolly, he declared that he had heard and understood it, and that this is his last will, which he repeated to us word for word in the presence of Sieurs François Jahan and Antoine Coquillau witnesses present who signed with said Pierre Jolly. After reading again he said he owed M. F. Gerard eighteen escalins in paper.

Signed: Jolly. Raguet. Songy. Jahan. Henry (paraph) Ntry.

(Last page charred and cut.)

Feb. 3. 2 pp.

Redhibitory action.

Louis Tixerant sues Chamilly, tutor of the Coulanges estate for a reduction of the lease price of a slave or the cancellation of said lease on the ground that the slave is afflicted with an incurable disease.

See decision for defendant, Feb. 5.

Petition to Superior Council by Sr. Louis Tixerant. Marine officer stating that when he leased the negroes of deceased Sr. and Dame de Coulanges, Sr. Chamilly tutor of the said succession, informed him that one of the negroes named Morieux, was attacked with sciatica in the hip, a sort of gout, which prevents from standing on his foot. He was formerly hired to Mr. de Noyan where he remained in bed six months with the same malady. He was treated by

Doctor Prat at the hospital during six months and the said Sr. Chamilly assured him he was perfectly cured. On leaving the hospital he was sold at auction and adjudicated to the petitioner. However the negro relapsed in the same condition and has not gotten any better until now, wherefore in consideration of the aforesaid reasons and the high price of the lease, he prays that said Chamilly be cited in order that his hire be reduced to the prorata of the others of the same lease following the procès verbal hereto annexed, or that he take back said negro, petitioner being willing to return him immediately.

Signed: Tixerant.

Feb. 3. Permit to cite signed by Raguet.

Feb. 4.
(27150) fo. 30.
(4140) 2¾ pp.

Procuration of Widow Gervais to Benoit St. Claire to sell land in Illinois.

*Should be St. Clair.

Procuration granted by Marie Catherine Baudreau, widow of Urbin (Urbain) Gervais, and previously of Estienne Langlois, having no children from the second marriage, mother and tutrix of her children with said Langlois, a resident of New Orleans, who wishing to sell three arpents and a fourth of land owned by the first community, situated adjoining the Village du Rocher on one side and on the other Louisiana, which land does not produce anything in this place, and wishing to replace it by something more advantageous in New Orleans, she has constituted as her attorney Mr. Benoit de Ste. Claire,* Marine Captain, residing in Illinois where the land is situated, to whom she, jointly with Augustin Langlois, or separately, empowers to sell the said portions of land, according to required formalities and have the purchasers put in possession of same, to receive payment in terms or cash as he will judge proper to the interest of the minors, this procuration to be in force until revoked and to act as necessary, which actions she promises to approve and ratify.

Signed: veuve gervais. Chantalou. Lenormand. Henry (paraph) Ntry.

Feb. 4.

Prevost acting for Grandjean vs. Layssard.

Petition to the Superior Council by Jean Baptiste Prevost, Agent of the Company of the Indies acting under procuration of Sr. Luc Grandjean, wholesale merchant of Havana, vs. Layssard Bros., merchants of New Orleans. He states that on the gold belonging to M. Grandjean in possession of Sr. Layssard, there was found on remittance that Sr. Layssard made thereon to Sr. Forstall a difference of price which Sr. Grandjean claims, viz: On six ingots of 22 carats the quantity of 8 oz., 3 drachms, 57 grains, and on four idem of 17 carats, four ounces, 2 drachms, 62 grains following a table of comparison of said Sr. Grandjean copy of which is annexed. (This is not in our file.)

Moreover a sum of 116 parts with which Grandjean's account is debited by said Layssard for the difference of 5 livres to 5 livres, 5 sols on the price of 2108 piastres, which he received from Sr. Geraut and which said Grandjean refused to allow.

Six hundred and eighty-four piastres for as much received from Sr. Hervier for the price of 114 (?) of flour; thirty-six piastres for expense for flour addressed to Srs. Layssard Bros. by schooner of Sr. Dupart. Tobacco from Spain in boxes and other effects with which Layssard Bros. were charged by Grandjean following the invoice.

This considered may it please you to have cited at the next session of the Council the said Layssard Bros. to be condemned to render account of the effects sent to them and an order to remit said effects in value or in kind according to the sales they may have made to the petitioner in his capacity.

Signed: Prevost.

Permit to cite.

Feb. 4. Permit to cite.

Signed: Raguet.

Notice served.

Feb. 4. Notice of Citation served on Layssard Bros. at their domicile, on petition of J. B. Prevost, by Sheriff Lenormand.

Feb. 5.
(27111) 1 p.

Petition of creditors of the succession of Durantay to raise the seals and permit them to recover their debts in money or in kind.

See Jan., 1746.

Petition to the Superior Council by Louis Morisset, Etienne and Chantalou acting for Duplanty, and Henry for Gaspar Pictet, who hearing of the death of Sr. Durantay, who was drowned coming back from Pensacola where he made sales and received sums for merchandise remitted to him by petitioner, following statement hereto annexed wherefore they claim the value of their merchandise in money or kind, wherefore they pray that seals be raised in their presence, that they may receive their due.

Seen by the Council the petition and protest against Durantay succession, the conclusions of the Procureur General, the Council orders that the seals be raised in the presence of the opposing creditors and of the Attorney of Vacant Estates.

Signed: "By the Council." Henry (torn.) Morisset.

Feb. 5.
No. 1069. 3¾ pp.

Session of the Superior Council. Judgments rendered.

Session of the Superior Council, of Feb. 6, 1746. Were present MM. de Vaudreuil, Governor; Le Normant, First Councillor; de Louboey, Lieutenant of the King; and Commandant at Mobile; de Noyan, lieutenant of the King; (in New Orleans); M. de Benac, Major; de la Freniere, Prat and Le Bretton, Councillors Assessors.

M. LeNormant retired.
*Should be Villars du Breuil.
Lambert vs. Claude Joseph Dubreuil for plaintiff.

1. Between Augustin Chantalou, acting under procuration of M. Lambert, as husband of Madam Félicité Riviere, Widow Diron, plaintiff, vs. Sr. Claude Joseph Dubreuil*, defendant: Seen the defense of Chantalou acting under procuration of M. Lambert, with a letter of M. Diron, produced at the last defense, and the conclusions of the Procureur General, the defendant is ordered to pay such sums as he owes according to his account, in piastres of 12 livres, 10 sols, following the King's declaration registered Jan. 2, 1745. Costs on defendant.

Tixerant vs. Gallard dt Chamilly for defendant.

2. Between Sr. Tixerant, plaintiff, vs. Gallard dt Chamilly, as tutor of minor child of Sr. de Coulanges, defendant and plaintiff: Case heard, seen the complaint and defenses, conclusions of the Procureur General heard, Council has rejected the demands of plaintiff and condemned him to bear costs.

Prevost, agent for Grandjean vs. Paul Rasteau.
Judgment for plaintiff, ordering Rasteau to return the gold within four months, Grandjean to pay 5% interest.
See entries Jan. 29-Feb. 5, 1746.

3. Sr. Jean Baptiste Prevost, acting for Grandjean of Havana, plaintiff, vs. Sr. Paul Rasteau, defendant: Case heard, with demands and defenses of the parties and conclusions of the Procureur General, of the King, the Council has condemned Sr. Rasteau to return the gold matter in four months, with interest at 5% which said Grandjean will pay Sr. Rasteau. Costs compensated.

Layssard Bros. vs. Grandjean.

4. Between Sr. Prevost, plaintiff, vs. Layssard Bros., defendants: Case heard, with complaints and defenses of the parties, and received from Sr. Forstal the procès verbal of the sale of the ingots which is in the Registry: That Sr. Layssard having sold seven ingots for 680 livres on which Sr. Layssard kept account of 57 piastres benefit in France. The Council has discharged Srs. Layssard of the demand for 116 piastres on letter of Grandjean of March 5, 1745, and condemns Layssard Bros. to render account of, or remit the tobacco and other effects received from Grandjean, paying for storing of same. Costs on plaintiff.

Cheval vs. Carriere.

5. Between Sr. Cheval, plaintiff, vs. Sr. Carriere, defendant: Case heard, the Council condemns defendant to pay the rent of said house for the six months elapsed. Costs on defendant.

Gervais vs. Larcheveque.

6. François Gervais, husband of Marianne Busson, plaintiff, vs. Jacques Larcheveque, defendant: The Council has rendered judgment in default against defendant and orders him to render account of the goods of said succession and to pay costs.

Tibierge vs. Marin.

7. Between Louis Tibierge, plaintiff, vs. Marin, defendant: The Council, considering the decree of the 4th of last . . . orders that the vouchers be produced before M. Prat, named referee, that justice may be done. Costs pending.

Signed: Vaudreuil. Louboey. Lenormant.

Feb. 5. No. 23. 2 pp. N. P.

Letters from St. Clair to Widow Gervais.

Letter written from Kascakias to Widow Gervais in New Orleans. He announces her brother's departure.

Signed: Benoist de St. Clair.

Feb. 10. Since the fall of notes (Cards) we receive no money, we must wait for the remittances to be made by the King. Do not be impatient; you will receive what is due to you; I trust you have taken steps for the sale of land which will be well sold on account of its situation. Usual compliments and good wishes.

Signed: Benoist De St. Clair.

P. S. You gave me a child, I will bring you down a man; he is very mischievous.

No. 25.

Letter from Kascakias, dated July 4, 1746, to Widow Gervais of New Orleans. He sends by the boats leaving at the end of the month listed papers.

Received her various letters . . . very busy since six day with the nations who are here for a general peace, . . . only writes to inform her of what she may expect by the boats. Received the embroidered cap as well as the stuffs, they came by the convoy.

Sends 1000 livres which he received from Madam Degruisse, 450 livres from Mr. Lomrevra, from the balance on her house which Messager owed, something that Mr. de la Soudraye is to remit; will make a letter of exchange of all that I may tell you and of what I will send for my account not yet knowing if I will receive your cask which was not landed . . . sold for 900 francs. Two days later rum was sold at six francs and brandy at seven. . . . I still have what I put in reserve from your brother, in which I found fifty-five pots . . . Speaks of her land at Prairie du Rocher . . . nothing on it and there will be nothing until after the crops are gathered.

You forgot to send me the petition you presented to the Council to authorize this sale, and I will need it positively. Send it by the next Convoy, for the purchaser would not pay without it. By the Convoy you will receive flour and pecans.

Signed: Benoist de St. Clair.

No. 26. No date. Will not send a long letter. . . . Madam Lenormand is the cause of it and when you wish to oblige your friends there is always trouble, . . . Sent by the convoy a letter of exchange of 2718 livres, . . . full account. Your ancient cask of rum will have the fate of mine which still remains. They offer brandy here at six francs the pot. . . . .

Signed: Benoist de St. Clair.

A memorandum of what is needed:

Twenty lbs. of soap, six lbs. of Pumice (?), a doz. shirts with trimming, fifty lbs. of sugar, twenty lbs. of coffee, a cask of wine of Bordeaux, two tiercons of brandy, six handkerchiefs, four pairs of silk stockings.

I beg you, Madam, to pay M. de Pontalba the sum of thirty-seven livres, ten sols, which I owe him and to draw on M. Barbin a note of one hundred and thirty and some livres, which he owes me.

Aug. 4, 1746.

No. 12. It is with pleasure that I have the honor to write this to tell you from my heart what I would wish to express verbally. A term of eighteen months absence is very long, but I must be patient. Be persuaded of the sincerity of my feelings and perfect attachment with which I am and will ever be, Madam, Your very humble and obedient servant,

Benoist de St. Clair.

Feb. 6.

J. B. Prevost, agent for the succession of Bizoton vs. Joseph Villars Dubreuil.

This suit is in the nature of executory process for 30,000 livres, with lease on 13 negroes, six negresses and seven children sold by the decedent to Dupart for that price.

Petition to Superior Council by J. B. Prevost as agent for the succession of the late Sr. Bizoton and Marguerite de la Chaise his deceased first wife, and of Sr. Nicolas Lepine, burgher of Paris, subroge tutor of Louis Charles Bizonton, only son of said deceased Sr. Bizoton and of Demoiselle Malo, stating that Sr. Joseph Dubreuil owes the succession of said Sr. Bizoton the sum of thirty thousand livres for thirteen negroes, six negresses and seven children following the obligation, act of which is hereto annexed, passed before Sr. Henry, Notary Royal, March 4, 1739, which payment of thirty thousand livres was to have been made in France in bills of exchange or effects, embarked at the risk of said Sr. Dubreuil, payable in three years, which has not yet been paid notwithstanding demands made, wherefore petitioner prays that obligation of Mr. Dubreuil be executed by seizure of these same negroes sold to him by the said Bizoton existing in part at M. Dubreuil's, said negroes to be judicially sold until full payment of the obligation and costs. Signed: J. B. Prevost (paraph).

Permit to cite.

Feb. 6. Permit to cite, signed: Lenormant.

Notice served.

March 28. Notice of citation before Council served on Sr. Villars Dubreuil on petition of Sr. Jean Bte. Prevost by Sheriff Marin Lenormand.

Feb. 7. (27104) 6 pp.

Succession of Duplanty. Raising the seals and making of inventory.

On the seventh of February, at 9 o'clock A. M. following the decree of the 5th inst. below the petition, presented by Sieurs Henry, Morisset and Chantalou, creditors of succession of Etienne Duplanty, on petition of Nicolas Barbin, Attorney of Vacant Estates, we, Jean Baptiste Raguet, Councillor and commissioner in this case, accompanied by the Procureur General, Greffier, and huissier went to the house of Tarascon to proceed to inventory and description of the goods of deceased Duranty, and being in the house, we summoned Sr. Tarascon to present the chests on which we affixed our seals on the 28th of Jan., and in the moment in the presence of the creditors opened the trunk in which we found nine bolts of lace: The first of 64 ells; second, thirty in four pieces; third, eight pieces containing 52 ells; fourth, 7 pieces containing 52 ells; fifth, 10 pieces containing 67 ells; sixth, six pieces containing thirty-one ells, which lace was delivered to Sr. Henry, acting for Sr. Pictet, having justified said remittance by his invoice, signed by deceased Duranty on the fifth of last May; one bolt of black containing 27 ells and a remnant of the same turned over to Sr. Henry. Inventory continued through six pages, covering thread, hosiery, ribbon, cutlery, papers, silverware and money and cattle.

Signed: Barbin. Tarascon. Morisset without prejduice to negress claimed. Layssard freres. Lenormand. fleuriau. Raguet.

Feb. 9. (27158) (4142) 2 pp.

Declaration by William Lange of the village of Carlestin, of assault on him by negro slave of M. Prat.

Declaration by William Lange, resident at the village of Carlestin, that one of the negroes of the coast assaulted him and attempted to kill him, wherefore he requests the cooperation of the Procureur General, as he hears that his life is in danger, and he named Nicolas, negro of M. Prat, whom he suspects and requested that act be passed of this declaration.

Signed: Lange.

Feb. 10. (27160) fo. 30. (4143)

See Feb. 26, 1746.

Procuration and suit thereunder against Sevet.

Deposit of a procuration to M. Rousseau by Sr. Prevost le Bourgerel, (who substituted Sr. Chantalou), and an account of merchandise, requesting that it be annexed to the minutes with other vouchers, dated March 10, 1736, copies to be sent to whom by right, which was certified.

Signed: Gouvion. Henry, Ntry.

A bale of merchandise was intrusted to Sr. Sevet on said date, on which he was to receive one-fourth of the profits. After ten years he has given no account of same, wherefore Sr. Gouvion, "now at the Mississipy," under procuration, has had Sr. Sevet cited to render account of cash and merchandise in his possession.

Who requested us to file as minutes the foregoing procuration and other papers as well as an account of merchandise, of March 10, 1736, signed Sevet and by act passed Bourgarel Le Prevost which the said Sr. Gouvion by virtue of said procuration has substituted in its place Sr. Chantalou giving him all the same powers specified in said procuration. Copies of said procuration to be delivered to whom they shall appertain, which was certified.

Signed: Gouvion. Henry (paraph) Notary.

Feb. 10.

Chantalou as agent of Lambert deposits 500 livres in the registry following the appeal taken by him, to remain deposited until final judgment.

Appearance in the Registry of Sr. Augustin Chantalou acting under procuration of Sr. Charles Nicolas Lambert, following the act of appeal before us, as notary, who consigned to us the sum 500 livres which will remain deposited until final judgment in case and requested that act be passed of same.

Signed: Chantalou. Henry (paraph) Greff. (Charred).

Feb. 10. No. 24. 3 pp. N. P.

Letter (See entry Feb. 5).

Letter signed Benoist de St. Clair to widow Gervais, sending a bag of pecans by her brother. Says that her brother Augustin has seven or eight hundred pounds of . . . they broke their promise and only embarked two bags which her brother will remit to her. As yet has received nothing from M. de Gruisse nor sold anything for her, she must have paid her family of negroes.

Feb. 11. (27228) 2 pp.

Notice by Chantalou on behalf of Lambert that the latter will go to Paris to present his action for relief from the judgment from which he has appealed, as noted above.
This is a document of value showing the method of attempting to reverse a judgment of the Superior Council.

Appearance before the Notary Royal, in the presence of the undersigned witnesses of Sr. Augustin Chantalou, acting under procuration of Charles Nicolas Lambert, Lieutenant of the King's vessels, commanding the artillery at Cap François on the island and coast of Santo Domingo, said Lambert as husband of Dame Félicité Riviere, Widow of Mr. Bernard Diron who said and declared that he has not acquiesced to the decree of the Superior Council rendered on the 5th of present month between him and Sr. Dubreuil, resident of New Orleans, declaring that he protests against it, and what may follow it, wherefore Sr.

Chantalou declares that he will seek to have said decree annulled, and claims damages, interest and costs from said Dubreuil and intending to go to Paris to prosecute the case he claims expense of his journey from said Dubreuil and of professional help if need be. He has elected his domicile in the house of L'abbé Le Normant, where he expects that all notices be delivered.

Signed before witnesses: Chantalou. Raguet fils. Lenormand. Henry (paraph) Ntry.

Feb. 11. ½ p.

Notice served of appeal.

Following petition of Augustin Chantalou, residing at New Orleans, Sheriff Lenormand has served notice of appeal on Sr. Joseph Villars Dubreuil at his domicile speaking to him personally, leaving him copy of the said act as well as of the present notice which was certified.

Lenormand.

Feb. 15. 3½ pp.

Procuration from La Rochelle to Piemont.

Before Notaries Royal of La Rochelle personally appeared Sr. Blavout, merchant residing in that City, Parish of St. Jean, who has constituted as his general and special attorney Sr. Bancio Piemont also resident of this City, to whom he gives full power to act for Sr. Philippe Gallois de la Brosse, ... (text destroyed).

Signed: Blavout. Guillemot. Esleu? Pichon.

Above procuration deposited in the registry.

Feb. 15. Appeared in notarial office Jean Baptiste Bancio Piemont, who requested us to receive deposit of his procuration passed before Guillemot, Notary of La Rochelle and to enter it into our minutes, of which he demanded that act be passed in the presence of Marin Lenormand and Augustin Chantalou. Signed: JB ancio Piemont.

Document charred and cut.

Documents deposited with the foregoing.

6¾ pp.

The creditors of Policarpe Bourgine, merchant of La Rochelle, join with him, in a procuration to Piemont in Louisiana to endeavor to collect the assets of the debtor.

Meeting of creditors of Sr. Policarpe Bourgine, merchant of La Rochelle, residing at his domicile, Marr street, parish of St. John, where he represented that the delay of considerable funds he expects from Louisiana, Quebec, Santo Domingo, Martinique, and Cayenne, and the rarity of specie caused by the war, have brought on the discredit, difficulties and losses suffered, wherefore the creditors have exacted a statement of all his affairs as deposited in the Registry under consular jurisdiction of this City, on May 23, of the present year, which was certified as real and which was duly discussed in the present assembly as what is suitable to their interest owing to the present circumstances. List of creditors follows:

Procuration granted by Policarpe Bourgine, Gilbet and Pasquie to J. Bancio Piemont, who is familiar with affairs of Louisiana of La Rochelle. Said Bourgine, Gilbert and Pasquier promising to make good to Sr. Piemont 10% as his commission, which will be paid to him even if the remittances are taken or lost.

Signed: JBancio Piemont. Bourgine. Gilbert. Pasquier.

¼ p.
Procuration.

Procuration granted before Notaries Royal, keepers of seals of La Rochelle, by Sieur Pierre Blavout to Jean Baptiste Bancio Piemont to whom he gives full power for all that may be necessary to represent him on all occasions.

Signed: Blavout. L. Guillemot. Esleau.

Collated Jan. 30, 1745. Signed: Puchon.

Deposit of procuration.

Feb. 15, 1746. Deposit of procuration granted J. Bancio Piemont by Sieur Blavout before La Luet and Guillemot of which he requested that act be passed.

J. Bancio Piemont.

Feb. 17. (27231) (4146) 1½ pp.
Inventory of the estate of Abraham Girard at Pointe Coupee.

Inventory taken of the goods of Sr. Abraham Girard, who died in Pointe Coupee at the home of Sr. Decuir. Inventory covers 1¼ pages and is stained and creased.

It is signed: Rivard. Nicolas pronost. Potin Greffr.

(27233) 1½ pp.
No date.
Sale of the effects of said succession.

Sale of effects of Abraham Girard, at Pointe Coupee, by order of Sr. Trenaunay Chanfret, Subdelegate and Judge at said post, before Bernard Louis Potin, acting as Notary. The sale brought 108 livres.

Signed: Rivard. f Remy temoin. Trenaunay Chanfret.

Document stained and badly creased.

Feb. 20. 1 p.
Notice of appeal by Dubreuil from judgment of the Superior Council.

Declaration by Sr. Joseph Villars Dubreuil, Contractor of Public Works for the King, that he appeals from the sentence rendered in the Council, by Mr. Lenormant, Councillor and General Commissioner of the Marine ordonnateur of said Province, acting as Comptroller in this Colony for all the wrong that the undersigned has to suffer from said sentence.

Signed: Dubreuil.

Feb. 24. 1 p.
Report in Registry.

Report in Registry of appeal against Sr. Le Normant's sentence by Joseph Villars Dubreuil, Contractor of Public Works.

Signed: Henry (paraph) Greff.

Feb. 24. 8 pp.

Thibierge vs. Marin de la Marque. Statement ("Memoir") of Louis Thibierge in support of his appeal.
This case is an appeal from Illinois and is the first of that character that we have found in our records, presented as fully as it is in this instance. It is an important record and is particularly interesting in that it shows the method of appealing from the decision of the local commandant to the Superior Council and the procedure before the Council on such appeal.

Briefly, Louis Thibierge was the son-in-law of Francoise, a Missouri Indian who had married first, the Sieur Dubois, an officer of the detached troops of the Marine residing in Missouri. He removed to Illinois and died there, leaving his widow and several children, one of whom was the wife of Louis Thibierge. The widow Dubois contracted a second marriage to one Marin de la Marque and had children of that marriage and thereupon died.

During the second marriage of the widow Dubois to Marin, she made a declaration to replace the inventory which it seems the law required to be made at the death of her first husband under the provisions of Articles 240 and 241 of the Custom of Paris. After her death, Thibierge began an action against Marin, claiming a settlement on behalf of his own deceased wife, now represented by her surviving children, of the community which existed between Dubois and his wife. The contentions as far as we can gather them from the pleadings were briefly that Francoise Dubois made no marriage contract with Marin and did not open the succession of her first husband, and that consequently the assets of the first community became assets of the second and that her children by the first marriage were entitled to share in the second community.

The case was heard before de la Loere Flaucour, acting judge in Illinois. He rendered certain judgments and Marin and Thibierge entered into a compromise based on those jugments. Thereafter Marin claiming to have found evidence which he insisted was equivalent to the inventory and other proceedings required by law, sought to reopen the case and to set aside the compromise he had made. De la Loere seems to have fluctuated in his views and ultimately rendered a decision which in effect set aside his previous decrees. Thibierge appealed from this decision and the Superior Council allowed the appeal and required Marin to send to the Council the evidence upon which he had relied below and also to furnish a Memoir for argument in support of his contention. A similar ruling seems to have been made as to Thibierge and the paper to which this note is appended by us is Thibierge's presentation of his case.

To Our Lords of the Superior Council of the Province of Louisiana.

Memoir that is submitted to you, Our Lords, by Louis Thibierge, resident of Illinois, in the name and as father and tutor of his minor children by Françoise Dubois, his deceased wife, plaintiff, vs. Louis Marin de La Marque, also resident of Illinois, defendant.

The Court is reminded that said Marin is absent and that with the same wish of obtaining a decision, he sent his documents to the Council, which documents had been placed in Mr. Fleuriau's hands, Procureur General of the King, together with his demands and defenses written in Memoir form, upon which the Court has decided by its order of December 4th as follows: "The Council notified said Thibierge that his appeal, on date of September 4th was examined and consequently orders that the documents of the lawsuit be deposited at the Registry and justice be made. Costs pending."

FACTS

Before submitting to the Court the question brought on by the present case, we will say that Sieur Dubois, officer of the detached troops of the Marine, having its ordinary residence in Missouri, went to Illinois, where he died and left a widow and several children, one of whom was plaintiff's deceased wife. Sr. Dubois had brought with him to Illinois all the chattels usual to

journeymen. His widow, who was in Illinois with him, took possession of them and then married Sr. Marin. Consequently the community was dissolved.

The widow Dubois, later Madame Marin, since deceased, left children from both marriages, but no inventory was made at her second marriage. At this day they pretend that a declaration was made by widow Dubois, which replaced an inventory; however it was not in the required form, conformably to articles 240 and 241 of the Custom of Paris, and it is expected the Court will decide this without stopping at this declaration, which would occasion considerable costs to the parties, owing to the distance.

Although the defendant wants us to believe that an inventory in the proper form would have been too costly for the small inheritance left by deceased Dubois, we retort that the expenses would not have exceeded those of said alleged declaration, and if the Notary had really been a duly commissioned Notary Public, he would have properly informed the parties of same.

It would be useless to reply to the defendant that this pretended declaration, which they called an inventory, being destitute of all formality as acknowledged by himself, cannot be classed as such. If it had existed, a copy would have been produced and it could not have taken the place of an inventory, since it lacks base and form. The reported example of a decree of 1601 which declares strength and effect of dissolution of community notwithstanding nullity in the inventory, is very different from the present case: This document was not faulty as a whole, and some parts of it might lead one to believe that it was made in good faith; but this proves that the declaration is fraudulent and could not replace

The translator has made a sufficient rendition to enable us to make the foregoing statement and an examination of the original papers shows that subsequently the Superior Council referred the whole matter to Prat, one of its members, as special commissioner in the case. He made a report which is also included in the text of this index, which is a mere summary of the facts of the case and is not signed by Councillor Prat. On March 5, 1746, the Council rendered a decision covering thirteen manuscript pages from which it appears they decided the case upon the pleadings and evidence adduced in the lower court, including also the papers produced by the litigants under previous orders of the Council. The Council also had before it the report of Councillor Prat and the Memoirs of the respective parties. Their degree is clearly based upon the Custom of Paris showing that the Custom was the law governing such cases; it is as follows:

"The Council orders that the appeal be annulled and the declaration of July 28, 1730, disregarded as well as the transaction of March 27, 1744, between the appellant and the defendant. The Council also declares that there is continuation of community up to the inventory made on September 3, 1739, consequently orders that a new division be made of the belongings contained in said inventory, by thirds, viz: one third to the children of Dubois, one third to Marin, and the last third to be divided, in equal shares, between the children of Dubois and those of Marin. Costs to said succession."

The word "annulled" which seems to be the equivalent of the words used in the text we think was used in the sense that the judgment below was annulled. We hope to find space some day in the Quarterly to publish this interesting case in full or with sufficient fulness to justify the conclusion which we draw that the practice in appeals before the Superior Council was to try the case upon the record as made up in the lower court, with the addition of such evidence as the upper court required to be produced for a better understanding of the case; further that the court had jurisdiction to render a judgment on appeal instead of remanding the cause for further hearing below.

The editor desires to note his appreciation of the work of Mr. G. Lugano who has been of material assistance in a restudy of the work of the late Mrs. Cruzat on this case.

an inventory, since it was made in the name of Madame Marin and not in that of widow Dubois. Therefore as Madame Marin she was in community with Marin, and it was impossible for her to dissolve a community which she had continued into a second marriage, since from the day of its celebration husband and wife are common. Moreover the community stipulated in a contract of marriage becomes real only on this condition, even if it were not stipulated, except by dispositions to the contrary. This is proven by the same articles 240 and 241 cited by the defendant.

It is believed that these reasons, approved by custom, are sufficient to render that declaration null, even if it were certain; and at the same time we are dispensed of giving proofs on other certificates that "personnes caracterisées"—le R. Père Tartarin—have given to justify the authenticity of said declaration. Let it be said, en passant, that only doubtful things need the support of statements given rather willingly by persons induced for various reasons.

No comments will be made upon the contradictory decisions rendered in this case by the judge, as he himself, by his last judgment, has remitted the case to the decision of the Court.

FOR ALL THESE REASONS

Louis Thibierge, appellant, concludes that may it please the Court to declare null the judgment rendered in the jurisdiction of Illinois on April 2nd, 1745, as well as the previous ones, between the appellant and the defendant; to declare null and void the would-be declaration, substituted as an inventory, made by Marin's wife, and to sentence said Marin, in person, to pay past and future costs of suit; while the appellant reserves all rights for further claims.

At New Orleans, January 24th, 1746.

Signed: Jaham. Signed: Thibierge.

Councillor Prat's report to the Council.

Report on papers concerning the suit between Thibierge and Marin.

Deceased Sr. Dubois married one Françoise, a savagess of the Missouri nation. There was no marriage contract, at least it does not appear. Some time after, Dubois left Missouri, where he usually resided, carrying with him his best effects, to become a trader in Illinois. His purchases made, he moves on to Missouri; on the way he is attacked and killed with all his attendants by Savage enemies. He leaves a widow with three children, one of whom is the deceased wife of the appellant. It does not appear that after the death of Dubois any inventory was made. Then Françoise, the widow, was married to Sr. Marin. She did not make any inventory on this occasion, and there does not even appear a contract of the second mar-

riage; but a few months after her remarriage, wishing, she said, to end the community between herself and Sr. Dubois, she made a declaration of the goods of the community, the whole existing in Missouri, said declaration, dated July 28, 1730, received by Me. (Messire or Maistre) placé, Notary of Illinois. The effects mentioned and appraised in said declaration amount to the sum of 189 . . . (figures partly erased). On the same day said Marin, separately, made a declaration of his own effects.

As the greater part of the community goods between deceased Dubois and said Francoise consisted in cattle in Missouri, which it was not easy to transport to Illinois, Sr. Marin made an agreement with one Pichard on July 10, 1734, by which said Pichard obligated himself to go for and lead the cattle to Illinois on condition of Marin abandoning half of the animals to him.

*The subroge tutor was a special tutor exercising the functions of the under tutor of today.

After Françoise's decease an inventory was taken Feb. 3, 1739, before Maitre Barrois, notary of Illinois, of the community between said Francoise and said Marin her second husband before Louis and Philippe Chauvin, brothers, tutor and subrogè tutor* of the minor heirs of the first husband Dubois.

Thibierge complains that all the effects of the community are not listed in this inventory and produces some certificates.

On Feb. 4, 1739, said Marin made a division before notary, of what reverted to the children of the first marriage, and to himself and to his own children in presence of Louis and Philippe Chauvin. It is stated that Louis and Philippe Chauvin were elected tutor and subrogé tutor on January 31, 1739, but no mention is made of the sentence ordering this division. Thibierge dissatisfied with this division made demands on said Marin which resulted in the said judgment of Feb. 10, 1744. It orders Marin to produce, within fifteen days, his marriage contract with the Widow Dubois, the inventory of what he brought to this marriage, and a memoranda of what was included in the 5000 livres carried in the said inventory and the inventory made after decease of Sr. Dubois, in default the sums brought to the division amounting to 800 livres and 5000 livres, will be erased and brought into a new division. Sr. Marin to produce his defenses.

Marin did not produce any papers, alleged he has lost them and produced a certificate of Pere Tartarin declaring that he had seen among Marin's papers a copy of the statement of deceased Dubois' goods in the community with Madam Dubois, said document signed: Placé.

Judgment was rendered March 9, 1744, which orders the execution of the judgment of Feb. 10, that consequently the community subsists until another division, that another inventory is to be made, half of which will belong to the Dubois

minors. Also information to be taken of the goods of Widow Dubois at the time of her second marriage, half belonging to the Dubois minors and the other half entering the community. The half owned by the Dubois minors will be paid by Sr. Marin who will render account of the sums due to the community mentioned in the inventory heretofore made. Sr. Marin is condemned to pay to Thibierge the sums found to be due on the last division and by the recovery made on the sums due to the the community; he is moreover condemned to pay costs and the expense to be incurred for another division.

On March 27, 1744, Thibierge and Marin, in presence and following the advice of several Illinois notables, made a transaction in which they agreed that Marin would give Thibierge eleven thousand livres, one half cash and the other half in two payments, from year to year and the costs compensated, that is that a total account shall be made and each will pay half.

Later Marin found the declaration of the goods of said Françoise and that made before Maître Placé, July 28, 1730, which he qualifies as an inventory, and he presented a petition on March 30, protesting against execution of the sentences of Feb. 10, and March 9, 1744, and of the transaction of the following March 27 on which resulted the judgment of April 2, 1745, which, parties heard, annuls the judgment of Feb. 10, and April 9, 1744, rendered in default of presentation by Sr. Marin of the said inventory since found and produced; moreover it annuls the transaction passed in consequence and after having seen the inventories of July 28, 1730, Feb. 3, 1739, and the division of Feb. 4, 1739, orders that the sum of 6272 livres to which amounts the share of the minors of Widow Francoise Dubois, their mother, remain in sufferance and in deposit in the hands of those charged with the said sum, delivered to them by Sr. Marin, until the Superior Council render a decree on the validity or non-validity of the inventory of March 28, 1730, being in default of closing orders that Bienvenu remit to Marin the sum he received over 6272 livres, 5 sols. Costs compensated.

Thibierge, not satisfied with this sentence has Marin notified June 8, 1745, that he appeals to the Superior Council. Marin presented petition to M. de la Loëre, on the 12th of the same month, showing that Thibierge is insolvent and only seeks to increase costs for him. He concludes that Thibierge be ordered to furnish bond and deposit a sum of 5000 livres, whereon it was ordered by M. de la Loëre conformably to the conclusions of Marin. Thibierge came here, and lodged his appeal on Sept. 4th last.

Marin being informed of the departure and intention of Thibierge, sent his papers and defences to the Council, to which he annexed a petition and a memorial addressed to the Council. In the petition he prays that it examine the papers and

decide in favor of whom by right; in the memorial in the form of a plea, he seeks to put in value the declaration of July 28, 1730, so that it replace an inventory and may have the strength and effect of a dissolution of community between the children of both marriages.

His reasons follow:

1st—Custom shows that when the goods left in conjugal community by the death of one of them are of small value and that an inventory in form absorbs them, a declaration before notary and witnesses suffices.

2nd—It is probable by public notoriety that the goods of this first community only consisted in cattle and a few pieces of furniture which were in Missouri, all of no use in commerce, and thus this kind of goods produced no advantage to the second community, the more so as it was obligatory to give away one half of the cattle for the costs of transfer which appears by the agreement passed with Pichard.*

*This sentence closes the last line of the report and as it is not signed it may be incomplete.

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Feb. 25. 1½ pp. **Petition** by Sr. Augustin Chantalou, acting under procuration of Sr. Jean François Malhiot. Lieutenant of the Royal Jurisdiction of Montreal praying that Sr. Barbin, Attorney of Vacant Estates, in charge of the succession of Sr. Drouet, Ecuyer Sieur de Richarville be cited before the Superior Council to be condemned to turn over to petitioner the sum of seven thousand six hundred and twenty-six livres, five sols, two deniers, with expense and costs.

Malhiot of Montreal, by Augustin Chantalou, agent, vs. Barbin, Attorney of Vacant Estates. Petition for citation of Sr. Barbin to account for and deliver to petitioner the estate of the late Sr. Drouet.

Signed: Chantalou.

Order of citation signed: Raguet.

Notice served.

Feb. 25. Notice of citation served on Sr. Barbin on petition of Sr. Augustin Chantalou by Sheriff Marin Lenormand.

Feb. 25. 1¼ pp. **Petition** by Sr. Augustin Chantalou acting under procuration of Dame Suzanne Piot de Langloiserie, wife of Sr. Jean Baptiste Celéron, Ecuyer Sieur de Blainville, authorized by him, stating that deceased Sr. de Ste. Thérèse* by his will bequeathed the sum of 5000 livres to Sr. Jacques Blainville, her son, who left as his universal legatee Sr. Pasquier, Councillor Assessor in the Superior Council, following the will with the procuration of Dame Suzanne Piot per substitution, wherefore she asks that Sr. Pasquier, absent, be cited at the

Suzanne Piot de Langloiserie, wife of Sieur de Blainville vs. Pasquier, universal legatee of Sr. Therese to recover a legacy of 5000 livres left to her son by the late Sr. Ste. Therese de Langloiserie. See judgment March 5, 1746.

*Sr. Ste. Therese de Langloiserie, nephew of M. de Boisbriant.

domicile of the Procureur General of the King, to be condemned to pay said sum to the petitioner (5000 livres) offering to give him all receipts and valid discharges.

Signed: Chantalou.

Permit to cite at domicile of the Procureur General in the delay ordered. Signed: Ragueet.

Feb. 25. On petition of Sr. Augustin Chantalou Sheriff Marin Lenormand served notice of citation on Sr. Pasquier, Councillor Assessor in the Superior Council domiciled at the house of the Procureur General, speaking to Pierrot, his negro servant, leaving him copy of the procuration, legalization, petition and order and of this present which was certified.

Signed: Lenormand.

Procuration by Sr. de Blainville to his wife.

Feb. 25. Procuration granted by Jean Baptiste Celéron, Ecuyer Sieur de Blainville, Marine officer, about to leave for Missilimakinac as second in command at said Post, who granted his special and general procuration to Dame Suzanne Piot de Langloiserie, his wife, whom he authorizes for the purpose of the present procuration, giving her special power and authority to govern and administer all his goods and affairs, as plaintiff as well as defendant, to lease and rent at price, conditions and clauses she may think proper . . . to receive returns on said leases and rents, to give all receipts and discharges; in cases of refusal of payment to have them compelled thereto by all possible means, seizure, execution, sale of movables to obtain sentences and decrees, etc.

Substitution of Sr. Chantalou by Madam de Blainville.

Before the Notaries Royal of the jurisdiction of Montreal, there residing and undersigned, was present Dame Suzanne Piot de Langloiserie, wife of Sr. de Blainville, officer of troops of a marine company maintained in this country, second in command at the Post of Missilimakinac residing in Montreal, on Cipard Street, who has been granted procuration by Sr. de Blainville, her husband, and she has constituted as her special attorney, Sr. Augustin Chantalou, residing in New Orleans, to whom she gives full power as parents and legitimate administrators of the goods of their minor children, to receive from M. Pasquier, Councillor Assessor in the Superior Council of Louisiana, universal legatee of Sr. Ste. Therese de Langloiserie, their brother and brother-in-law, when living, officer of the troops garrisoned in Louisiana, the sum of 5000 livres, left by the last will of Sr. Ste. Thérèse . . . * to Jacques de Blainville, son of the said Sr. and Dame constituents. . . . Done and passed in the office of Dauré Blangy and the undersigned notaries June 20, 1741, before noon.

*Blank in text.

Procuration and legalization hereto annexed.

Certification by Fontaine, Councillor of the King at Quebec, acting as General Lieutenant at the seat of Royal jurisdiction of Montreal, in New France, that Maître Portier and Dauré and Blangy have received, collated and signed daily in this capacity acts in which faith may be had. . . . . .

Countersigned by the greffier at Montreal in our office June 24, 1741. Original signed by de la Fontaine and Portier. (Document ragged.)

Petition by Sieur Chantalou to have Sr. Pasquier, who is absent, cited at the domicile of the Procureur General, in order to be condemned to pay the petitioner the sum of 5000 livres, whereon all valid receipts and discharges will be furnishhed; the succession to pay costs.

Feb. 26. 1½ pp.

Sr. Robineau de Portneuf resigns tutorship of Jusan Minor.

Appearance in the Registry of the Superior Council of M. Robineau de Portneuf, as husband of Miss Therese Trudeau, Widow of Sr. Alphonse de la Buissoniere, when living, Commandant at Illinois, who had been elected tutor of Gabriel de Juzan, minor son of Sr. Gabriel de Jusan and of Miss Francoise Trudeau both deceased. After decease of M. de la Buissoniere, Sr. de Portneuf was elected tutor to the said minor before the Judge of Illinois and as M. Jean Trudeau, officer of troops in this Colony, requested the tutorship of his nephew to govern his person and his goods, Sr. de Portneuf, in consequence of the opinion of relatives, from this day he desists voluntarily from said tutorship and consents that Sr. Trudeau be appointed, and that there be elected a subroge tutor (under tutor) who may please the relatives and friends, on the promise made on his arrival in Illinois to send back the minor, and to render account of the sums which deceased La Buissoniere received from the succession of his father-in-law, Sr. Françoise Trudeau, paternal grandfather of said minor.

Signed: Robineau Portneuf.

Family meeting to elect tutor.

Feb. 26. Before M. Jean Baptiste Raguet, appeared Sieur Jean Trudeau, officer who by virtue of the order below the petition presented by him to M. Le Normant had cited by Sheriff Lenormand: MM. de la Pommeraye as husband of Miss Trudeau, uncle of said minor; Tixerant, officer; de Caüe, resident of this city; de Portneuf, officer; Volant, captain of the Fourth Company of Swiss troops, garrisoned in this country; de Belleisle, Adjutant Major; and Chauvin, merchant of New Orleans, friends in default of relatives in order to elect a tutor for the minor Jusan in the place of Sr. de la Buissoniere, who died in Illinois about two years ago. The aforesaid gave their opinion in good faith to name Sr. Jean Trudeau, Uncle of said

27248.

minor as his tutor. Signed by Tixerant, Bellisle, Volant, Robineau portneuf, Chauvin, Caüe. As Sr. de la Pommeraye did not appear we rendered default against him and ordered that Jean Arnaud remain his subroge tutor and on Sr. Trudeau's acceptance and oath, his election was homologated in the presence of the Procureur General of the King.

Homologated by the court.

Signed: Raguet.

Document torn but perfectly legible.

Feb. 26. 1½ pp. **Petition** by Sr. Augustin Chantalou, acting under procuration of Sr. Bourgerel Le Prevost, merchant of Nantes, to force Sr. Sevet to render account of a bale of merchandise (seaman's venture) intrusted to him by Sr. Bourgerel in 1736, which merchandise was to be sold in Martinique, and once the capital was secured, one fourth of the profit was to be remitted to Sr. Sevet as his commission, and as Sr. Sevet since ten years has rendered no account and has caused him loss, he prays that Sr. Sevet be cited to render account of said merchandise, of the profit and interest and bear costs.

Petition. See Feb. 10.

Signed: Chantalou.

Feb. 26. Permit to cite signed: Raguet.

Feb. 28. Notice of citation served on Sr. Sevet at his domicile in New Orleans, speaking to him personally, by sheriff Lenormand who left him copy of petition, receipt, procuration and legalization as well as of this notice which was certified.

Notice served.

Signed: Lenormand.

Feb. 28. 27252. fo. 30. 1151. **Contract** passed between Gaspard Bellomé, coat-maker, husband of Françoise Jomard, widow of Antoine "Love," and tutor of Nicolas "lauve," minor child of said Françoise Jomard, and Jean Montenary, called Toussain, master cobbler of New Orleans, who have agreed to apprenticeship of said Nicolas Lauve. Montenary has contracted to teach him his trade omitting nothing of the said trade on the following conditions: The said minor agrees to stay at Montenary's five full years during which, without interruption, he will work at his trade, during which time said Montenary obligates himself to lodge and board him and support him, in sickness as well as in health; that from this day he will carry with him all his wearing apparel, under clothes, and bed blanket, that if the said apprentice absented himself through his fault or comes to have a long illness, he will be held at the end of his contract to replace his absence under penalty of indemnity; the minor will not pay anything,

Contract of apprenticeship of minor Nicholas Love or Lauve.

only give his time to learn the trade as agreed with the consent both of the minor and his stepfather, here present and accepting, for thus promising, obligating, renouncing. Done and passed in notarial office, in the presence of Sieurs Jean Songy and Augustin Chantalou here residing. The minor declared he could not write nor sign, wherefore inquiry as per ordinance.

Signed: Jean Montenari. bolmo. Chantalou, Henry (paraph) Ntry.

(To be Continued)

INDEX TO THE SPANISH JUDICIAL RECORDS OF LOUISIANA
XXXV.

October-December, 1780
(Continued from October, 1931)

By LAURA L. PORTEOUS
Marginal notes by Henry P. Dart

The full name and title of all Spanish officials appearing in the Spanish Judicial Records of Louisiana for the year 1780 will be found in the Quarterly for April, 1931, p. 271.

October 6.
Emancipation of the Daneville Minors.
No. 3551. 10 pp.
Court of Alcalde Pedro Piernas.
Escribano, Mazange.
Assessor, Postigo.

Three baptismal certificates are filed, viz.: (1) July 2, 1762, Parish of St. Anne of New Chartres, diocese of Quebec, Marie Catherine Joseph Griffon, daughter of Griffon Danneville and Catherine Poupart. God-parents Joseph d'Juglebert Lefevre and Madame de Giradot (Giraudeau.); (2) New Orleans, October 15, 1767, Charles Antoine, son of Antoine Simon Griffon Danneville and Marie Catherine Poupart. God-parents Jean Charles Tisoneaux and Marie Catherine Griffon Danneville. (3) New Orleans, August 16, 1755, Marie Victoire, daughter of Antoine Simon Griffon Danneville and Catherine Poupart. God-parents Augustin Chantalou and Marie Joseph Poupart.

Marie Victoire, Charles Antonio, Daniel, and Maria Catalina Joseph, minor children of Catalina Poupart and her late husband Antonio Simon Griffon Danneville, by Francisco Broutin, attorney, alleges that the first is twenty-four, the second, twenty-three, the third twenty-one and the fourth, eighteen; that they are all capable of administering their property both as to capital and usufruct. To prove their capacity, they offer three witnesses. Alcalde Piernas on Postigo's advice rules: "Admit the evidence."

Francisco de Villiers, Julien Poydras and Francisco Xavier de Verges de St. Sauveur each in a separate petition declares the Danneville minors are fully capable of administering their own property. Piernas, on Postigo's advice, orders this information sent to Pedro de Verges, step-father of the Danneville children, who answers, saying his step-children are perfectly capable of managing their own affairs and he offers no objection to their emancipation. The Alcalde, on Postigo's advice, rules; with the consent of Alcalde Pedro de Verges, curator of the Danneville

minors and after considering the evidence on their lives, morals and capabilities, he emancipates and does emancipate them and for greater validation interposes and does interpose his authority and judicial decree and orders that they be given a certified copy of this act of emancipation. Let them pay the dues that these proceedings have occasioned.

October 10.
Useful information given for Pedro Blaise to obtain permission to sell a house threatened with ruin from the effects of the hurricane.
No. 3540. 5 pp.
Court of Alcalde de Verges.
No Assessor named.
Escribano, Leonardo Mazange.

The purpose is to effect a partition by private sale.

Pedro Blaise alleges that on the death of his wife, Maria Filiosa, there remained a house in this city that has suffered from the hurricane and is threatened with irreparable ruin. Considering a part of it belongs to Mariana Faucot called Tembalier and a part to his son. Pedro Blaise (from his mother, Maria Filiosa) he has determined to sell to Maria Faucot, widow of Silvio Philioso, his son's share, for 200 pesos. He prays that witnesses named here be summoned to give the required information and let them swear and declare if this sale will not be of benefit to his minor son. Alcalde de Verges rules accordingly.

Fernando Rodriguez, Francisco Blache and Francisco Langlois, each in a separate declaration sets forth it will be of much benefit to the minor to sell to Maria Faucot, widow of Silvio Philiosa for 200 pesos his interest in the house left at the death of his mother Maria Filiosa Blaise, as there is no money with which to repair it.

Pedro Blaise petitions saying that the proof shows it is to the advantage of his minor son to sell his interest in the ruined house, and prays for permission to sell and asks to be authorized by judgment so to do. Alcalde de Verges rules that he concedes the petitioner a permit to sell and for greater validation interposes his authority and judicial decree. A marginal note says the written document of sale was drawn up and the act of sale passes October 19, 1780. Costs taxed at 56 reales.

October 10.
Intestate succession of Charles Favre Daunoy Inventory and valuation of his estate.
No. 2146. 229 pp.
Court of Alcalde P. Piernas.
Assessor, Postigo.
Escribano, Leonardo Mazange.

The record opens in the usual way with an official announcement of the death, a certification of it by the escribano, a collection of the keys and an order from Pedro Piernas to the two escribanos to search for the will. Both report that no will was ever filed with them. The Court rules that Carlos Favre Daunoy has died intestate

This record preserves much family data concerning the Destrehans, whose descendants are still numerous in Louisiana and elsewhere.

Mrs. Daunoy was one of the daughters of J. B. Destrehan, a prominent citizen of Louisiana, and Treasurer of the Colony during the French Regime.

The papers noted in this file have not only a family interest but they are useful historically. J. B. Destrehan seems to have been the first of his name in Louisiana. His children married prominent people of that era and they and their descendants played a part in the history of Louisiana in French and Spanish times and after the cession of Louisiana to the United States.

leaving minor children and that they may be represented he appoints Fernando Rodriguez their curator ad lites, who must accept, take oath and give bond. Rodriguez qualifies naming Francisco Broutin as his surety. Alcalde Pedro Piernas confirms Rodriguez in the curatorship. Escribano Mazange then went to the plantation situated seven leagues away lower river and received the keys there from Santiago Beller (Bellair). It took two days to go and come and he states that he paid for the pirogues and all the rest of the expenses.

The curator prays for an inventory. This petition is ordered sent to the widow who is guardian of the estate. Elizabeth Destrehan or Isabel Destrehan (Mrs. Charles Favre Daunoy) appoints Francisco Broutin her attorney and acting as such he asks for the records of the case and when these are delivered to him he also petitions for an inventory. The alcalde rules, that with the consent of both parties let an inventory and appraisement be made. Rodriguez appoints Francisco Vigion (Bijon) as appraiser, the Court approves and he is notified, accepts and qualifies. Mrs. Daunoy names Adrian de la Place and the same proceedings follow. Rodriguez petitions for the naming of the day for the taking of the inventories. Piernas sets the date on the 23 of the current month.

The inventory is begun in New Orleans, and shows an estate consisting of household effects, wearing apparel and slaves. The work in the city completed, arrangements are made to continue the same proceedings on the plantation. Rodriguez asks that the widow who is guardian of the estate be ordered to send the pirogues and equipment necessary to take them down the river and to exhibit all the property there. Piernas rules accordingly. The pirogues, well equipped take Lieutenant Governor Pedro Piernas, Escribano Leonardo Mazange, Francisco Broutin and Fernando Rodriguez, attornies, and the two appraisers, Bijon and de la Place down to Conception plantation. Upon arriving there they failed to find Mrs. Daunoy, but they did find Santiago Bellair and delivered the keys to him and made him guardian of the estate. He placed the things on view to be inventoried. The estate consisted of house furnishings, books, kitchen utensils, cordage and nails and carpenters' tools, contents of a black-smith's shop and carpenter shop, live stock, provisions, slaves, buildings, lumber, lands, papers. Among the last is the deed to the plantation dated January 28, 1738, for 72 arpents, before Henrique

(Henry), Notary wherein Juan Baptiste Lemoyne de Bienville and Edme Gatien Salomon sell the same to Carlos Favre Daunoy and Joseph Assailly, (39 pages). There is besides a certified copy of a deep to a corner lot, Conde and St. Philip, conveyed by Pedro Payen de Noyan, Chevalier de Chavoy to Juan B. Destrehan together with a house built thereon for 3000 pesos. Henry, Notary, August 26, 1748, with a receipt, dated Nov. 5, 1749 before the same notary placed at the end of the act of sale. The inventory notes a certified copy of the decedents marriage contract, accounts of the plantation, debts for and against the estate, notes contracts, obligations receipts, etc. They found some wrought silver that required special appraisement by a silversmith. The proceedings on the plantation were signed by Pedro Piernas, Fernando Rodriguez, Francisco Broutin, Joseph Adrien de la Place, Francisco Bijon, Leonardo Mazange, Jch. (Santiago) Bellair and Nicolas Daunoy, the last two calling themselves uncles of the minors.

Marie Elizabeth Destrehan, widow of Carlos Favre Daunoy asks to have the silver both in the city and on the plantation appraised by an expert. Piernas names Santiago, or Jacoba, negro master silversmith to make the appraisement. He accepts, qualifies and values it, as it contains 6 marks, 3 ounces, at 8 pesos the mark.

Fernando Rodriguez asks to have the widow swear and declare if she has knowledge of any other property left by her late husband. Marie Elizabeth Destrehan, widow of Carlos Favre Daunoy under oath declares that she has no knowledge of any estate left by her husband other than that inventoried except three pieces of land at the corner of Conde and St. Philip and if she should discover any other she will place it on exhibition. Fernando Rodriguez asks that these three pieces of land be inventoried and appraised. This is done by Francisco Bijon and Adrien de la Place at 750 pesos. Both the curator and the widow ask to have the inventory and appraisement approved and all ordered to abide by it. Piernas rules accordingly.

Marie Elizabeth Destrehan represented by her attorney, Francisco Broutin, now petitions that in her absence an inventory was made of her husband's property that was turned over to Santiago Bellair. In consideration that it is according to law that she be named guardian of the estate, in order to avoid the expenses that she would have to pay Bellair, as guardian, which would be prejudicial to her as well as her minor children, she asks that she be named and that Bellair be ordered to turn over the estate to her which she offers to hold always at the disposition of the Court. Piernas on Postigo's advice rules:

> Let Marie Elizabeth Destrehan be named tutrix and curatrix of her minor children and because of her absence from her plantation and house at the time the inventory was made, Santiago Bellair was named guardian of the

estate, he must remain responsible for its security, Mrs. Daunoy is now restored to health and is at present on her plantation and caring for the property, let it be delivered to her so that she may become the guardian of it, to be held at the disposition of this Court and if the widow and Bellair are on the plantation let them be notified to appear to receive and to deliver the estate.

Fernando Rodriguez petitions that the property has been overestimated and asks that it be sold at public auction. The widow opposes the sale claiming that her inheritance from her father's and mother's estates have been inventoried with that of her husband and that it does not belong to her children, nor to her husband's creditors. He has many debts in this Colony and in the Kingdom of France and that all her husband has left together with all her property is not sufficient to pay them. To prove what belongs to her through her inherited rights she asks that Andres Almonester give certified copies of the partition of her father's and mother's estates with the receipts of the persons who have received them. At the time of the settlement of these successions there came to her as her share more than 12,000 pesos and that she also received some negroes and silver plate and that her husband's estate is mortgaged to her for the security of this inheritance. Therefore, she asks that the sale be suspended until such time as she can make her dower rights evident. She asks however that the plantation with its buildings be sold, to be paid for within two years of date of sale, the purchaser to give full and sufficient bond. Concerning the plantation, one half belongs to Nicolas Daunoy. Piernas on Postigo's advice orders the sale of the movables suspended, but that the plantation be cried and sold. The calls are made November 26, 1780, January 9, 1781 and January 20, 1781. At the auction sale of Conception plantation on January 30th, Salomon Prevost offered a bid of 5100 pesos and Nicolas Favre Daunoy raised it to 5200, but the sale was suspended until such time as there would be more bidders. The sale was continued the next day when Daunoy repeats his bid of 5200 pesos. Prevost offers 5600 Juan Durel bids 5700, Prevost raises it to 6200, Nicolas Naunoy 6400, Prevost 6500, Daunoy 6600, the bell having rung at that moment Daunoy was considered the last and highest bidder and the plantation was adjudicated to him.

Fernando Rodriguez asks for a taxation of costs. Piernas on Postigo's advice orders Andres Lopes Armesto to tax costs which he does at 732 pesos 5 reales. March 2, 1781.

April 30, 1781, Rafael Perdomo petitions that Fernando Rodriguez, late curator ad lites to the Daunoy minors, is absent and while he is away the petitioner is the administrator of his office. A taxation of costs was made more than two months ago, which the window should have paid as she was notified to do so,

He asks that she be ordered to pay within 3 days. Piernas on Postigo's advice rules accordingly.

Marie Elizabeth Destrehan, widow of Carlos Favre Daunoy, answers, disregarding the foregoing decree, she asks that Andres Almonester, Notary Public, give certified copies of the partitions of her father's and mother's estates stipulating what her husband has received from these successions and also a certified copy of the receipt showing to whom the property was delivered to be used when convenient to her rights. Petition granted.

Running from pages 114 to 214 are the certified copies of the sale and partition of the estate of Juan Baptista Destrehan, who was treasurer of Louisiana during the French Domination. The records show the Destrehan property was sold at public auction at the death of the owner at the instigation of the heirs in the proceedings brought for that purpose and that it was adjudicated to Nicolas Daunoy, who was acting for his brother, Carlos Favre Daunoy, whose procuration he held, the latter the husband of Marie Elizabeth Destrehan, one of the heirs. The sale for partition is dated October 22, 1776, by order of Governor General Luis de Unzaga y Amesaga. The participants were Juan Renato Gabriel Fazende, charged with the security of the Royal Interests and Rights of His Most Christian Majesty; Estevan Baure (Bore) husband of Juana Margarita Destrehan, curator ad lites of Juan Luis and Juan Noel Destrehan; Antonio Marigny de Mandeville, husband of Juana Maria Destrehan; Marie Felicite Ana (Feliciana) Maxent, widow of Juan Honore Destrehan, tutrix and curatrix of her minor daughter; Nicolas Daunoy, representing Carlos Favre Daunoy, husband of Maria Isabel or Elizabeth Destrehan, all heirs of Juan Baptista Destrehan. The estate consisted of real property, three lots without improvements at the corner of Conde and St. Philip, 120 feet on St. Philip and 180 on Conde, adjoining Miguel Fortier on one side and Mrs. Daunoy on the other. Other lots in this same neighborhood are mentioned, one on Conde and Conti and several others with houses and outbuildings, all minutely described with measurements, a plantation without buildings 5 arpents front four leagues from the city, lower river on this side, adjoined on one side by the Doriocourt heirs and on the other by Mr. Dorville.

Besides the real property there are twenty-four pieces of table silver and other silver table furnishings, candlesticks, silver money, a carriage, slaves, live stock, tools implements, lumber, lead and other requisites for a saw mill, scales, house furnishings, etc. The purchasers must

pay or give bond to Juan Renato Gabriel Fazende. Nicolas Daunoy had offered to exchange the three pieces of land for three others with an additional 400 pesos. This offer was put to bid and no one overbidding it, was accepted. The sale was continued on October 31, 1776. The first call disposed of the real property, only. The silver is again offered for sale together with the slaves and the remainder of the estate. Nicolas Daunoy seems to be the chief bidder buying in several of the slaves for his brother and sister-in-law. The sale is continued on November 2, 1776 this time disposing of more slaves and live stock. Another sale is held on November 4, of the slaves, silver and house furnishings. Most of these effects are bought in by Mr. Daunoy, obligating for these items purchased for his brother by procuration, dated July 4. This includes the slaves that were turned over to him. The "Cancellation" or payment of the debt dated March 19, 1777, by Juan Renato Gabriel de Fazende charged to collect the interests due to His Most Christian Majesty in favor of Feliciana Maxent widow of Juan Honore Destrehan, curatrix to her minor child, Philippe Marigny de Mandeville, husband of Juana Maria Destrehan, Carlos Favre Daunoy, husband of Marie Elizabeth Destrehan, Estevan Baure (Bore) husband of Juana Marguerita Destrehan and curator of Juan Luis and Juan Noel Destrehan. Cancellation of the mortgage of the King's minister given at Versailles, September 21, 1776. This is the mortgage and lien held by the King given by Destrehan for his responsibility to the Crown and for the security of his creditors at the time that he was treasurer for His Majesty in this Colony. All accounts have been finished and liquidated and there remains due only 45,000 livres which he has received from the funds that he holds in his possession for which he gives a formal receipt and cancels all written documents. In consequence they may dispose of all the estate belonging to the late Juan Baptista Destrehan as it is free of all said obligations and responsibilities. Therefore, it may be annotated in the margin and all the heirs must receipt to Juan Renato Fazende for the Destrehan property that was sequestered as all accounts were liquidated at the time that he held the funds of the Royal Treasury in his possession with the exception of the 45,000 livres mentioned which remain in Fazende's keeping to satisfy the credit that His Most Christian Majesty had in the estate and that all further action be discontinued.

There is a certified copy of the formal receipt dated December 4, 1778, given by the heirs of Juan B. Destrehan for what has

come to them from the sale of the property on Conde and St. Philip Streets and other real property.

Maria Elizabeth Destrehan, widow of Carlos Favre Daunoy, now petitions, saying that Andres Almonester having delivered to her certified copies of the partition of her father's and mother's estates, that her husband received, she duly presents these copies which she asks to have included with these proceedings of inventory. Piernas on Postigo's advice rules accordingly. In a second petition she states that as it appears there belongs to her from her dower rights 16,000 pesos that were approved in the inventory of her husband's succession, she asks to have adjudicated to her, at the price of valuation, the three pieces of land, the wrought silver, the boat, all live stock, provisions, movables and effects with utensils with the exception of the black-smith's shop, also her slaves and servants, calling each one by name, as she needs them for her service and that of her children. She further asks that there be adjudicated to her at the price of their valuation twenty-four other slaves, notwithstanding that a very high value was placed upon them, but as all came from her parent's estates she wishes to retain them. She wishes also to have an estimate made of the plantation so that she may buy it, too. As all that she petitions for does not amount to the ⅔ part of her dower rights, she prays that the whole be adjudicated to her. Piernas on Postigo's advice orders this request sent to the curator of the minors.

This is finally answered by Rafael Perdomo, Public Attorney, who has been named curator to the minor children of Carlos Favre Daunoy. He opposes the widow's demands as she has never shown what she brought to the community at the time of her marriage. He asks that she be ordered to present her marriage contract. This petition is sent to Francisco Broutin, but is never answered. The last entry is the Daunoy-Destrehan marriage contract written on parchment, first in Spanish and then in French (For an English translation: See Louisiana Historical Quarterly Vol. 9, No. 3, page 388.) it is dated New Orleans, March 15, 1773, and shows the contracting parties to be Carlos Phillippe Favre Daunoy, born in this city, son of the deceased Carlos Guy Favre Daunoy and Catalina Hubert Belair and Marie Elizabeth Destrahan, also born in this city, daughter of Juan Baptiste Destrehan and Juana de Gauvry. This contract was executed in the presence of Marie Elizabeth Destrehan, with the consent and advice of her grandmother, Catalina de Gauvrit, Juan Honorato Destrehan, Juan Estevan Boré, her brother-in-law and curator, and Juana Marguerita Maria Boré, her sister, sponsors for the bride, and Carlos Joseph Loppinot, Juan Bautista Fleuriau, Nicolas Guy Favre Daunoy, Carlos Lajonchere Daunoy and Antonio Thomassin, relatives and friends standing for the groom. The witnesses were Nicolas Fromentin, Luis Lioteau and Pedro Bertoniere.

Signed: Charles Philippe Favre Daunoy, Marie Destrehan, Destrehan Boré, Degauvry, Destrehan, Gauvry de Monleon, Daunoy, Loppinot, Macarty Daunoy, Boré, Daunoy, Loppinot, Lajonchere, Fleuriau, Thomassin, Beaupré, Detour. Before me, Juan Beautista Garic, Notary Public.

The last twenty-one pages have been torn away but from what remains of the stubs it looks as if Francisco Broutin, Mrs. Daunoy's attorney had presented an accounting of what she brought to the community at her marriage and also what she inherited from her father's and mother's estates when these were settled after her marriage. According to the marriage contact these estates had not yet been settled. This ends the record.

Note: There is a folio marked "Ano de 1780" date of first petition July 10, 1781, Nicolas Favre Daunoy vs. the succession of his brother, Charles Favre Daunoy to have delivered to him some negroes, live stock and implements. L.L.P.

October 27.
Nicolas, a slave negro belonging to Mr. Mercier, petitions for his freedom.
No. 3572. 13 pp.
Court of Acting Governor Pedro Piernas.
Assessor, Postigo.
Escribano, Leonardo Mazange.

The owner offers no objection and the petitioner is appraised by order of the Court and granted freedom on paying 800 pesos to his master.

There seems to have been no legal objection to this form of proceedings. The master consenting.

A marginal note signed by Mazange at the beginning of the first petition stipulates that Juan Dias signed for Nicolas, who did not know how to write. This proceeding took place in the presence of Acting Governor Pedro Piernas.

The petition sets forth that Nicolas, a slave, belongs to Mrs. Prevost, whose property is being administered by her son-in-law, Mr. Mercier, as because of her advanced age, she can not attend to it herself. For the last four years it has been the intention of his owners to sell him for 400 pesos, but they could find no purchaser to give that price for a man without any trade, or occupation and suffering much from stomach troubles. He has by his labors and economies earned 400 pesos which he offers for his redemption. He prays that his owner, or the guardian of her property receive the 400 pesos, or that each party name one or two persons experienced in appraising slaves so as to arrive at a just value of his worth which he offers to pay and that the act of emancipation be authorized. Acting Governor Piernas orders this petition sent to his Auditor of War for legal advice and when this is given by Postigo, he rules: notify Mrs. Prevost of this proceeding so that she may appoint an expert to appraise her slave. Nicolas, who claims his liberty at his just value, with a warning

that if she does not do so within three days, one will be named for her officially.

Nicolas enters a second petition stating that he belongs to Juan Francisco Mercier and that he has begun proceedings against Mrs. Prevost for his freedom. He prays for a writ of citation as Mr. Mercier is on his plantation and does not know of the decree rendered in his favor, Piernas on Postigo's advice issues the writ which is served by Francisco Langlois.

Juan Mercier answers naming Francisco Cheval as his appraiser, who is accepted by Piernas on Postigo's advice and is ordered to accept and take oath in due form. Cheval qualifies. Nicolas names Antonio Picout (Picou) who is appointed and qualifies. The two appraisers differ in their estimate of the value of Nicolas, Cheval fixes 1200 pesos and Picou 800 pesos. Nicolas asks for a third in discord. Piernas on Postigo's advice names Francisco Blache. He qualifies and values Nicolas at 800 pesos which the slave agrees to pay and asks that Mr. Mercier, his master, be ordered to grant him his letter of freedom. Piernas on Postigo's advice orders the act of emancipation to be issued by the present escribano at the price of 800 pesos paid by the slave for his freedom. Nicolas petitions for a taxation of costs as his freedom has been given to him. Costs taxed at 220 reales.

November 8.

Maria called Mariquine vs. Pedro Methode, her late master, to confirm her freedom, already granted.

No. 3567. 11 pp.
Court of acting Governor Piernas, and Governor Galvez.
Assessor, Postigo.
Escribano, Leonardo Mazange.

The owner denies he has granted freedom to the petitioner, but Gov. Galvez decides in her favor.

Maria, called Mariquina, presents a declaration, dated Pointe Coupée, April 1, 1779, and signed by Methode to the effect that he permits her to go with her son, Charles, where she pleases, to live, because he has given her her freedom, since July, last, which he ratifies by the present, signed by his hand. She then states that it appears from this document that Pedro Methode, who was her master, gave her her freedom in 1778, which she has enjoyed up until now when he proposes to sell her. She asks that he be ordered not to molest her and that he declare under oath, verifying his signature, and to state before whom her act of emancipation was executed and to deliver his declaration to her for purposes that may be suitable. Piernas sends this to Postigo who orders Methode to swear and declare as solicited.

Methode's declaration is dated New Orleans November 9, 1780. He verifies his signature at the end of the paper presented by Maria, called Mariquina, but declares the paper is not to give her freedom, or even a promise of it. It is only a license, or a permit

that he wrote for her so that she might travel honorably as he is accustomed to do with all his slaves. She had asked him various times, for her liberty, claiming illness. He could not sell nor dispose of her then because of his creditors. He has never granted her freedom, nor ever promised it and if he had intended to free her the act would have been executed before the Commander of Pointe Coupee who has in his keeping the Archives of that place, among which there will not be found any signed paper emancipating his slave.

Maria called Mariquina replies that it is evident from the paper on page 1 that Pedro Methode gave her and her son their freedom in the month of July, 1778, and ratified it again in the same document for its greater validation and force and by this she has enjoyed her liberty peacefully as is known to every one in the city. That she was beyond Methode's domination until the time of his declaration on page 3 in which he recognizes his signature to the document, but denies that he freed her, resorting to subterfuges to deprive her of it. She prays that Methode be ordered to ratify and to approve it and for the Court to interpose its authority and judicial decree and that a copy of this be gvien to her, to serve as her title, in due form. Galvez who has now taken over his office from Piernes, acting Governor, rules:

> After examining the paper presented by Maria together with Methode's declaration he decrees that Maria and her son are free and in consequence Methode must grant her letter of emancipation in due form before the Commander of Pointe Coupee with a warning that if he does not do so another suit will be brought against him.

The plaintiff now prays for a despatch with a copy of Galvez's decree to be sent to the Commander of Pointe Coupee. Galvez rules:

> Issue a despatch in due form to Graded Lieuteuant Colonel Carlos de Grand-Pré, Commander of the Post of Punta Cortada, with an enclosure of the decree on page 6 and of this writing so that he may oblige Pedro Methode, in conformity to law, to do what is ordered in the forementioned decree.

A marginal note states that the corresponding despatch was issued. New Orleans, June 3, 1781.

The negress asks for a certified copy of Galvez's decree and her petition so that she may be declared well and duly free and that the escribano give her a certified copy authorizing it, in due form, and that costs be taxed by the public assessor. All petitions granted, Maria paying costs which are taxed at 8 pesos 6½ reales.

November 13.
Thomas Salas del Manzano vs. Geronimo Lachapela, and Oliver Pollock.
No. 3570. 8 pp.
Court of Acting Governor Pedro Piernas.
Assessor, Postigo.
Escribano, Leonardo Mazange.

To collect an overcharge in Exchange on Havana. The court decides (through arbitration) that the rate of exchange was less than that executed by La Chapela and condems him to repay at the current rate, but the loss is divided making plaintiff pay one half thereof.

Plaintiff sets forth that the year before, (1779), he had 2300 pesos and finding that he had to leave for Havana, immediately, he went to Oliver Pollock to obtain from him a letter of exchange drawn on some reliable person in Havana. One was given him for this purpose drawn against Geronimo La Chapela, who lives in that city. When he arrived at that Port the letter was presented and accepted in toto and he was paid 1300 pesos and was told that he could not pay the other 1000 pesos except in "platilla" because he had no hard silver; for this he was charged 25% for exchange and he told him that the one who drew the letter would pay him (the 1000 pesos) in virtue of which he received what was given to him and in the same connection discharged Lachapela, saying that he had received the above mentioned sum of money to avoid litigation.

When he returned to the city he asked Pollock to pay him, he was told that Lachapela had charged 2300 pesos to his account, with this he went to La Chapela and asked him for the 25% and was told that he did not owe him anything. Therefore he prays that the legitimate debtor pay him the 250 pesos which is the amount he lost on the said "platilla" in reducing it to pesos as he will make it evident on the testimony of different Captains of the boats in this Port sailing for Havana, although Lachapela makes it appear that at that time money was exchanged at the rate of 25%. Piernas on Postigo's advice orders this petition sent to the opposition.

Pollock answers this demand by saying it is true that he drew a bill of exchange in favor of Manzano for 2300 hard pesos on Geronimo Lachapela who lives in Havana. This bill he has in his possession as it was paid and as its indorsement shows Manzano's receipt. As for what he says and claims, it is a matter of indifference to him if plaintiff was paid in hard silver, or coins of less value. Piernas on Postigo's advice orders this petition sent to Geronimo Lachapela, who answers saying that he owes nothing as the bill of exchange has been entirely paid. As this affair is purely commercial he asks that it be submitted to arbitration. He will name two arbitrators and let his opponent be ordered to do likewise so that these four experts may promptly adjust the matter. Piernas agrees and orders the interested parties to name their arbitrators. Geronimo Lachapela names Claudio Chabot and Francisco Subiela and Thomas Sales del Manzano names

Jayme Ribera and Joseph Maria Mongeoty. These appointments are satisfactory to the Court, so all four accept, take oath and arrive at the following decision. They say that Lachapela and Manzano have failed in the payment and receipt to observe the laws of commerce and in virtue of which they condemn Lachapela to pay Manzano 8% of 1000 pesos the one half of 16% which was the rate of exchange on the money. Both must pay costs, by one half each. Thomas Sales del Manzano receipts for 80 pesos. Costs are taxed at 90 reales.

November 14.
Estefania Gouyon, widow of Juan Baptista Garic vs. Francisco Enoul Livaudais.

No. 3560. 9 pp.
Court of Acting Governor Pedro Piernas.
Assessor Postigo.
Escribano, Leonardo Mazange.

To collect a debt representing the purchase price of a plantation in the rear of New Orleans, sold by plaintiff's deceased husband to the defendant and not paid by him.

Estefania Goyon, Widow Garic, presents a certified copy of an act of sale which is to the effect that on August 8, 1777, Juan B. Garic sold to Francisco Enoul de Livaudais, a plantation of five arpents front more or less to a depth of Bayou St. John, or a line that ends there, having at its front the shape of a fan, on which is built a kitchen, a storehouse, two pavilions with chimneys, two dove cotes, in brick, a little house for the overseer and various other improvements. This place is adjoined on one side by Santiago Livaudais and on the other by Pedro Aragon and is about a half a league from the city going up the river on this side. He bought this place from Francisca Petit de Coulange, widow of Pedro Vilmon (de Villemont) before the present escribano on June 6, 1774.

He also sells with the house, twelve slaves, giving the name and age of each one, the party from whom purchased and before what Notary, also four pairs of oxen, all free from mortgage for 5500 pesos to be paid for in these terms; 1000 pesos in the month of November, 1777; 1000 in January, 1778; 1750 pesos in the current year of 1778; and 1750 in the year 1779. The real property, slaves and live stock to remain specially mortgaged until the entire amount of 5500 pesos is paid, the purchaser is not to take possession of any of the above mentioned until November, 1777, so as to give the vendor time to gather his harvest.

With this as a basis for her suit Mrs. Garic sets forth that it is evident from the foregoing instrument that Enoul Livaudais owes her 5500 pesos for a plantation her husband sold him and though she has asked him many times to pay he has not done so. She asks that he be ordered to settle this indebtedness. Piernas on Postigo's advice rules; Notify Enoul Livaudais to pay Estefania Goyon, widow of Juan B. Garic 5500 pesos, that is due her according to the written document drawn up before Andres Al-

monester y Roxas, she receiving, therefore, what should be legitimately satisfaction. Let a writ be issued to this effect and entrusted to a competent person for delivery. This ends the record.

November 23.
Genoveva Viger, widow Labe, asks permission to sell a house belonging to her on St. Ursula St.
No. 3581. 6 pp.
Court of Alcalde,
Pedro de Verges.
No Assessor.
No escribano named.

This is really an exparte proceeding by the plaintiff to establish her ownership of the property, her deeds having been destroyed in the "great hurricane."

The proof is to the effect that she has occupied the house for 30 years without disturbance.

Genoveva Viger, widow of one named Labe, states that she owns a house in this city on St. Ursula Street, adjoined on one side by Fernando Leyba and on the other by Juan Luis el Gitano. This real property belongs to her as is publicly known. She wishes to exchange, or barter it for another, but she can not find the title to the property because of the great hurricane, that has wet, torn, or destroyed all the necessary papers. She asks that witnesses be called to give the information according to the tenor of this writing, namely, they must swear and declare that she has owned the house for more than thirty years and that during all that time she has lived in peaceful possession. And done, authorize her to barter this property for another that will be more beneficial. Alcalde de Verges orders witnesses summoned to testify.

Pedro Henry, Jr., Paul Prevost and Francisco Blache, each in a separate declaration testify that Genoveva Viger, widow Labe has owned a house on St. Ursula Street, adjoined on one side by Fernando de Leyba and on the other by Juan el Gitano (John the Gypsy) and that it is generally and publicly known that it is her property and that she has lived there as owner for thirty years, without any one ever having disturbed her in the possession of it.

On the strength of this information the petitioner asks to be authorized to dispose of her real property. Alcalde de Verges rules: concede to Mrs. Labe the permit to alienate and exchange her real property on St. Ursula Street and for greater validation and strength he interposes and does interpose his authority and judicial decree and to give to her the certified copies she requests, she paying the just and due fees. Genoveva Viger asks for a taxation of costs. These are never made and the record ends here.

December 2.
Intestate succession of Maria Luisa Bufigny, wife of George Heno. Inventory and appraisement of her estate.
No. 3545. 59 pp.

Acting Governor Pedro Piernas signs the official announcement of the death of Maria Luisa Bufigny, lawful wife of George Heno, who has left children and for the security of her estate he orders the

Courts of Acting Governor Pedro Piernas and Alcaldes Jacinto Panis and Ventura Morales.

Assessor, Juan Doroteo del Postigo.

Escribanos, Leonardo Mazange and Fernando Rodriguez.

necessary proceedings taken for the opening of her succession. Escribano Mazange certifies to Mrs. Heno's death and collects the keys. Both he and Almonester certify that the deceased has filed no will in their Archives. Pedro Piernas then rules that as Maria Bufigny, wife of George Heno has died intestate, leaving minor children, he names for their curator ad lites, Francisco Broutin, who is notified, accepts and qualifies, giving Carlos Griffon as his surety; the decree confirming the curatorship is then rendered. Whereupon Broutin petitions for an inventory of the estate left by the deceased. Piernas orders the inventory made. The curator names Francisco Bigeon (Bijon) appraiser and asks that Jorge Heno, guardian of the estate be ordered to name one within a short space of time. Heno names Adrien de la Place as his appraiser. Both are acceptable to the Court and the appointments are confirmed. Broutin asks to have the day named for beginning the inventory. Piernas names the day following, the 4th of the current month.

The inventory is taken in the presence of Pedro Piernas, Leonardo Mazange, Francisco Broutin, curator ad lites to the minor children, Georges Pedro and Juan Baptista Heno, Adrien de la Place, Francisco Bijon and George Heno, widower and guardian of the estate. Mrs. Heno's effects consist of money found in an armoire, house furnishings, wearing apparel, house linen, slaves, live stock and papers among which are bills and notes mostly for meat supplied to the troops and ships, and rent paid for the butcher shop. It looks as though the Henos were butchers. There is an act of sale showing where Mr. Heno bought a piece of land from Francisco Amlin and Julien Vienne.

When the inventory in the city is finished, Broutin asks to make one of the contents of a plantation below the city near English Turn ("Contorno de los Ingleses"). Petition granted. He then asks to appoint the day, which Piernas names as the day following, the 16th of the current month of December. This inventory and appraisement is made in the presence of the Escribano, George Heno, Francisco Broutin, Adrien de la Place and Francisco Bijon. The plantation is situated about 6 leagues from the city, consisting of 11 arpents 29 toises front with the ordinary depth, adjoined on one side by Santiago Baschemin and on the other by Gabriel Tisran, which is valued at 200 pesos. A note states that it took two days to go to the plantation, make the appraisement and return.

Francisco Broutin, curator ad lites to the minor children of Maria Luisa Bufigny asks that George Heno as her husband and guardian of the estate swear and declare if he has any knowledge

of property belonging to his wife that has not been inventoried. Petition granted and Heno declares before Leonardo Mazange that his wife has left no other estate than that inventoried. The curator asks this inventory be approved and all ordered to abide by it, the Court interposing its authority and judicial decree. This petition is ordered sent to Heno, who fails to answer and Piernas finally passes judgment in default and approves the inventory and appraisement and orders all to abide by it.

The case then passed to Alcalde Jacinto Panis' Court where Broutin prays the estate be ordered sold at auction, after having been publicly cried as the law requires. This petition is sent to Heno, who answers after some delay, saying that the estate is very small, if it be sold, the funds derived from the sale would not be sufficient to feed his children, besides this the costs for the sale would be so great that nothing would remain for the minors. He asks the estate be adjudicated to him at the price of its appraisement, so as to enable him to feed and clothe his children. This is sent to Broutin, who consents saying that as Heno is a butcher and the greater part of his estate consists of cattle, he can dispose of it through trade to a better advantage than the prices that it would bring at public auction. He must give full and sufficient bond for the part that belongs to the minors. Jacinto Panis rules, that with the consent of both parties, let the estate be adjudicated to George Heno who will be named curator ad bono and tutor to Luisa Bufigny's minor children, and as he is their father he will be relieved of giving bond.

Broutin asks that George Heno present his account and sworn statement so as to show by his reckoning for partition what belongs to the minors. Panis orders this statement rendered within fifteen days. Broutin later sets forth that much time has passed and Heno has not rendered his accounts. He prays a taxation of costs be made and paid by Heno. Panis rules accordingly, ordering Andres Lopez de Armesto to tax costs.

The curator again complains that Heno has failed to present the account and sworn statement and to declare to all expenses incurred so as to be able to make the schedule for partition and to give the vouchers to verify the debts, nor has he appointed an attorney up to now to represent him. He asks that he be ordered to name one in a short space of time, otherwise one will be named for him officially. Panis on Postigo's advice rules that Heno must name his attorney within three days so as to make an account and sworn statement of the estate left in his charge at the death of Maria Luisa Bufigny.

Heno failing to appoint an attorney, Broutin prays the Court to appoint one for him. Panis on Postigo's advice names Rafael Perdomo, who sets forth that the Court has ordered an account and sworn statement of Maria Luisa Bufigny's estate, but this is not possible as he has not been given instructions, nor the documents that should be attached to this said account, which

makes it difficult for him to obey the decree. He asks that Heno be ordered to instruct him and to send him all bills and receipts, etc., so that he may give the proper reckoning. Panis rules that Heno must turn over to his attorney the necessary documents so that he may draw up the account and sworn statement of the estate left by Mrs. Heno.

Broutin later petitions saying that George Heno does not wish to turn over to his attorney the necessary papers that he has in his possession to make the account and sworn statement. Considering that the ministers of justice must be paid their fees he asks that a taxation of costs be made. Panis orders Luis Liotau to tax costs. He is notified, accepts and takes oath and taxes costs at 137 pesos 7 reales on December 17, 1781.

The curator later states that a year has past since the costs of the case were taxed, which George Heno was ordered to pay, but he has not done so. It has come to his notice that Pedro Voisin owes Heno 150 pesos. He asks that he be ordered to deliver this sum into the hands of the present escribano, Mazange, on account for costs. Petition granted. Leonardo Mazange certifies that Pedro Voisin has exhibited to him, in the presence of witnesses, the 150 pesos that he owes George Heno.

The year following, Broutin petitions that two years before George Heno, curator ad bono to his minor children, was ordered to give an account and sworn statement of his late wife's estate within fifteen days and although he has taken all measures possible to make him do so Heno has not obeyed the Court's decree to the great prejudice of the minor children, whom he is about to ruin by his bad conduct. He is drunk all the time, so he asks that he be held a prisoner in the public prison until he renders an account. The case has now passed on to Juan Ventura Morales, Contador and Treasurer of the city and Alcalde Ordinario, who rules: Notify George Heno to produce the account, as solicited, within eight days with a warning that if this is not done, most serious proceedings will be taken against him. The record ends here and the accounting is never given in this folio. Included but detached are three vouchers, a receipt from the Charity Hospital for 20 livres, a receipt from Father Francois de Caldes for 16 pesos for the burial of Mrs. Heno and Dr. Mercier's unreceipted bill for medical services for 1778, 1779, and 1780. Dr. Mercier certifies, on May 22, 1783, that Mr. Heno owes him 575 livres, or 115 pesos.

December 4.

Leonardo Mazange vs. Estefania Guion widow of Juas B. Garic to collect fees that he earned in the office of her late husband.

No. 3569. 19 pp.

Page 1 is a request by De Goyon v. Garic to Mr. Quiñones to serve as arbiter in the accounts she has to settle with Mr. Mazange, concerning the fees that are due him by her late husband according to the acts that are in his office, offering to pay him 40 piastres for his la-

Court of Acting Governor Pedro Piernas and Governor Galvez.
Assessor Postigo.
Escribano, Leonardo Mazange.

This suit is against the widow of J. B. Garic who was the first Escribano in the Spanish regime, while it seems to have been undefended the plaintiff and intervenors did not press it to a decision.

bors. Page 2 is Leonardo Mazange's petition setting forth that Estevan de Quiñones has come to his office to tell him that Estefania Goyon, widow Garic has by a private paper authorized him for the revision of fees that he has earned as late procurador, or attorney in all the law suits that were prosecuted while Garic was escribano and for the liquidation of accounts that they held together, and notwithstanding that the said paper although sufficient in itself, it lacks the approval of the Court to give it force and vigor for all the time that Quiñones will work on the affair. In order to avoid all discord that might arise for lack of this formality, he prays that he be ordered to exhibit the private paper and done give him sufficient authority to proceed with the plan for the verification and liquidation of pending accounts. Piernas orders this petition sent to the Auditor and Assessor for legal advice. Estevan de Quiñones surrenders to Leonardo Mazange, the private paper signed by Mrs. Garic authorizing him to act as her arbitrator in the settlement of her husband's accounts with the officials who worked with him in the Courts.

Page 4 is a petition presented by Francisco Broutin, another attorney at the Cabildo, stating that it has come to his notice that the present escribano, Mazange, has presented himself in this Tribunal asking for the fees that he earned at the time he was a public attorney, left by Juan B. Garic, with the funds of his own estate. Considering that there are some fees due him, included, that he earned as an attorney, he prays the Court make a revision of all Garic's Archives to see what legitimately belongs to him. Piernas on Postigo's advice rules that the person whom the widow of Juan B. Garic will commission must know the just dues that should be paid for the proceedings brought by attorney, Francisco Broutin and must also know of what fees should be paid to the rest of the ministers of justice.

Page 6. Broutin presents a second petition repeating the foregoing decree: "that the person whom the widow will commission must know the just dues that should be paid him for his proceedings and must also know what all the rest of the ministers of justice should be paid," and says that notwithstanding that much time has past since the escribano has notified her of the foregoing decree, Mrs. Garic has not named, nor commissioned nay person. On the contrary she appointed Esteban de Quiñones, by private procuration who was afterwards rescued because she did not pay the ministers of justice the fees that they had earned. He asks that it please the Court to order the widow to name a person for this purpose, within a short space of time, with a warning that one will be appointed officially. Postigo alone signs

a ruling ordering Estefania Guyon, widow of Juan B. Garic to empower a competent person within six days, with a warning that one will be named for her officially if she does not do so.

Mrs. Garic does nothing, and on page 8 Broutin comes back with a third petition, repeating the judgment already rendered, ordering Mrs. Garic to appoint an agent to revise her husband's books and a second decree that this person must be appointed within six days. This specified time has past, but she has not named anyone to consider what the ministers of justice have earned as fees. He acuses the widow of default and asks that a person, who knows all the just dues that should be paid to the ministers, be appointed officially. Piernas on Postigo's advice declares Mrs. Garic in default and appoints Luis Lioteau, so that with her assistance the fees that belong to the ministers of justice will be examined into that they have earned in the proceedings that were recorded in the office of Juan B. Garic, that has now passed into the possession of Leonardo Mazange. Mrs. Garic was notified of this decree, and she says she agrees to the person of Luis Liotaud and that it is her wish that he examine the fees that the ministers of justice earned in the office of her late husband, because of the great confidence that she has in him.

Page 10 is a petition to Governor Galvez presented by Nicolas Fromentin, deputy sheriff, asking for the fees that he has earned in the discharge of his duties in the suits that were recorded by Juan B. Garic. He asks that Luis Liotaud, empowered by Mrs. Garic consider his claim and that he be paid his just dues. Galvez rules proceed to the revision of the fees that belong to this party in the same conformity that has already been ordered by Pedro Piernas, while acting Governor of this Province. This ends the record.

December 9.
Renato Huchet de Kernion vs. Jean Paquet.
No. 3562. 8 pp.
Court of Acting Governor Pedro Piernas.
Assessor, Postigo.
Escribano, Leonardo Mazange.

Executory process to collect the purchase price of a plantation. The defendant is a free mulatto.

The plaintiff states that it is evident from the written document that he duly presents (following this petition) that Juan Paquiet, a free mulatto, owes him 2600 pesos and in virtue of the executory process that results in his favor he prays for a writ of execution against any and all of the defendant's property for the amount due, the one tenth and costs. Piernas on Postigo's advice orders the debt paid within eight days with a warning that if he does not do so, executory proceedings will follow.

The next entry is a copy, dated November 18, 1777, of the act of sale before Francois Seimars de Bellile, Commander and Judge of the German Coast in the presence of Messrs. Bore and Meuillon, by which Huchet de Kernion sells to Jean Paquet, or

Baquet, spelled also Paquette, a free mulatto, a piece of land, measuring 16 arpents front, more or less between two land marks, by the ordinary depth, with all buildings and enclosures, situated about eight leagues from the city on the same side, going up the river, adjoined on the upper side by Widow Emme and on the lower by Mr. Cheval. This plantation is sold for 13,000 livres which is payable as follows 800 in piastres gourdes in the current month of November, 1778; and the 1800 piastres remaining in the month of November, 1779. For the security of this payment the purchaser mortgaged all his present and future estates, particularly the plantation sold to him. This copy is made November 8, 1780. A note below written January 15, 1779, states that Jean Paquette, above named, brought Seimars de Bellile two of Mr. Kernion's receipts dated the 7th. and 11th. of January that remain attached to the original, by these it seems that Mr. Kernion has received 500 piastres on account for the sale of the plantation.

Renato Huchet de Kernion prays for a writ of citation because Jean Paquet makes his home on his plantation. The writ is issued notifying Paquet that he must pay 2600 pesos within 8 days, with a warning that if he does not do so executory proceedings will follow. Francisco Langlois certifies that he served the foregoing writ on the defendant.

The plaintiff petitions for a writ of execution against Paquet. Piernas on Postigo's advice, rules, that considering that Paquet makes his home at the German Coast, where the debt was contracted, issue a despatch in due form to Francisco Seimars de Bellile, Commander of the Post so that he may issue the corresponding writ of execution against Juan Paquet for the amount due, its one tenth and costs caused, or that may be caused and that the present escribano certify to the said Commander the costs caused in this office so that they may be paid by the debtor. Assessor's fees for this ruling 8 reales. Costs taxed at 135 reales.

No date. **Andres Mercenario vs.** **Pedro Bernard.**	A detached petition without date belonging to a criminal proceeding; Andres Mercenario vs. Pedro Bernard for robbery.

(To be Continued)

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF CONGRESS OF AUGUST 24, 1912, of the Louisiana Historical Quarterly, published quarterly at New Orleans, Louisiana, for October 1st, 1931.

State of Louisiana, Parish of Orleans, ss.

Before me, a Notary Public, in and for the State and parish aforesaid, personally appeared Henry P. Dart, who having been duly sworn according to law, deposes and says that he is the Editor and Archivist of the Louisiana Historical Quarterly and that the following is to the best of his knowledge and belief a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in Section 411, Postal Laws and Regulations, to-wit:

1. That the names and addresses of the publishers, and the editor, are:

Publisher, The Louisiana Historical Society, The Cabildo, New Orleans, La.; Editor, Henry P. Dart 1822 Canal Bank Building, New Orleans; Managing Editor, None; Business Manager, None.

2. That the owner is The Louisiana Historical Society, The Cabildo, New Orleans, La.

3. There are no stockholders, but the officers are: Edw. A. Parsons, Pres.; Andre Lafargue, 1st Vice-Pres.; James Wilkinson, 2nd vice-Pres.; Frank H. Wadd ll, 3rd Vice-Pres.; J. B. Donnes, Treas.; Henry P. Dart, Archivist and Editor; R. W. Colomb, Recording Secy.; Henry M. Gill, Corresponding Secy.

(Signed) HENRY P. DART, Editor.

Sworn to and subscribed before me this 14th day of October, 1931.

(Signed) LEO L. DUBOURG, Notary Public.

(SEAL) (My commission expires at death.)